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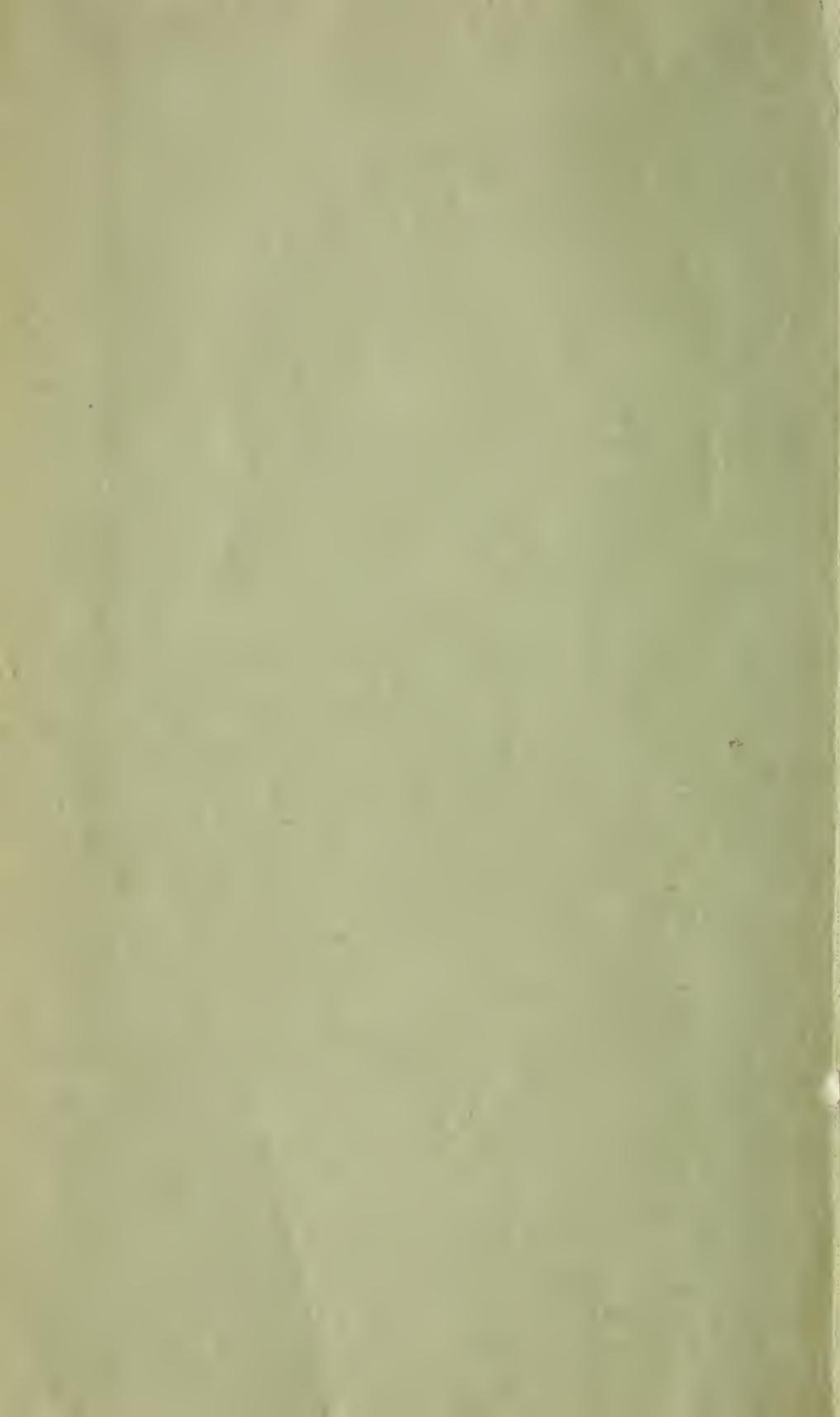


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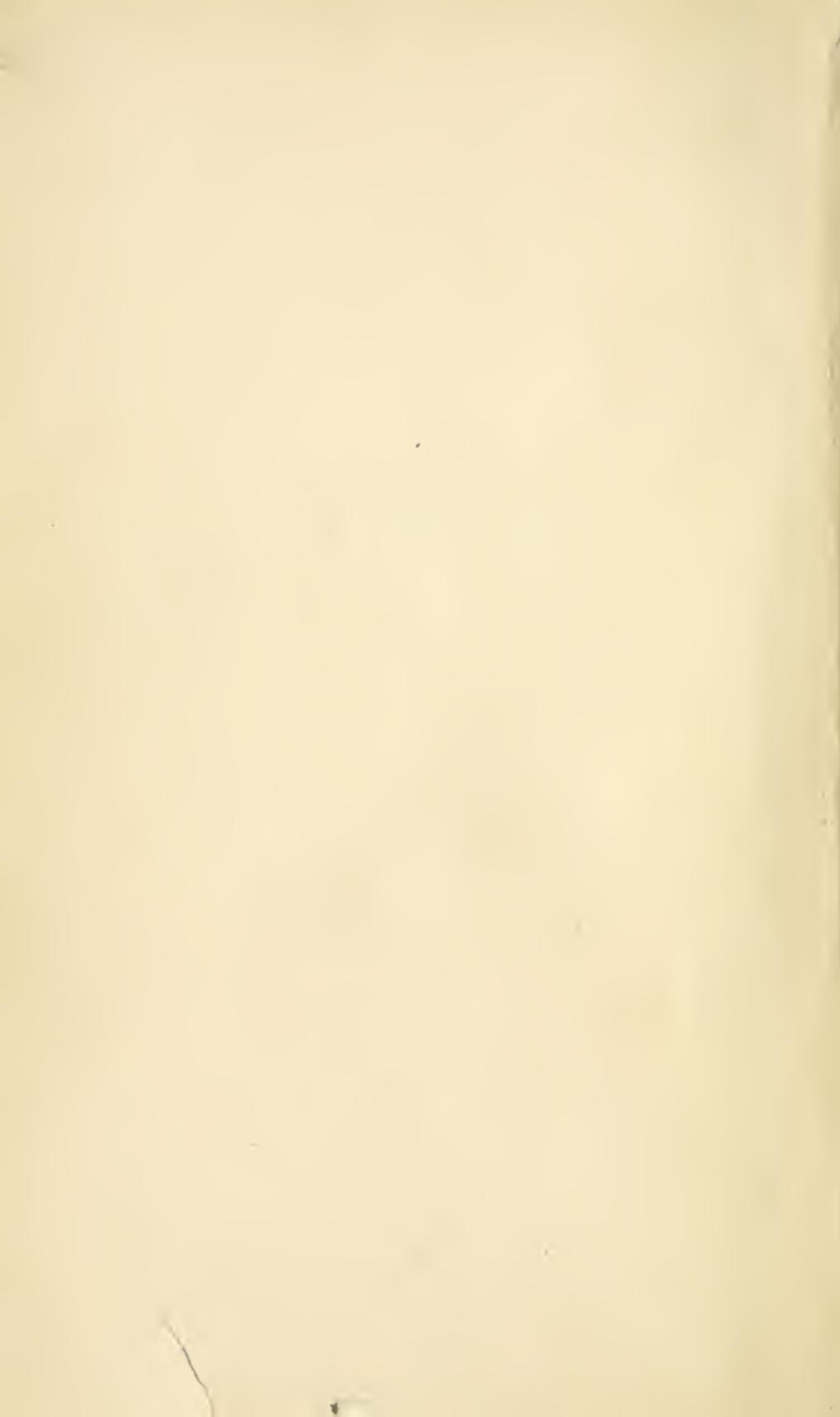




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# HOW WE ARE GOVERNED:

AN EXPLANATION OF THE CONSTITUTION AND GOVERNMENT OF THE UNITED STATES.

A BOOK FOR YOUNG PEOPLE

BY

ANNA LAURENS DAWES.

The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times and under all circumstances. — DAVID DAVIS.

BOSTON:

D. LOTHROP & COMPANY,

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Copyright, by  
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Dedicated to my Father.

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МОНОМЕР  
ОЛІГОМЕР  
ВІДАВЧІ

## PREFACE.

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THE following pages are a simple attempt to explain the Constitution of the United States, and to give some account of the methods of governing which have been established under it. I make no claim to original research or new ideas. The object of this little book is of quite another character. It is to make it plain how we are governed. In doing this I have made free use of the many standard authorities on our system, both those earlier classics which must always be the resort of the student of our institutions, and certain later works that have recently been offered to the public. I am also indebted for knowledge of both principles and methods to an experience — always at my service and upon which I have freely drawn — which has extended over thirty eventful years.

It has seemed best to follow as closely as possible the

be the order of the Constitution itself. In doing this, the interaction of our triple system has sometimes necessitated a repetition of the same subject. I have endeavored to avoid this as much as possible, even considering matters out of their regular order, for that reason. When a double treatment was inevitable I have tried to consider the matter from its two aspects. It was obviously impracticable that references should be given to statute laws, though pains have been taken to show in the body of the text the distinction between those acts which have the force of law, and those which are matters of custom. Clearness and a comprehension of results also obliged me occasionally to deal with the history of the various constitutional provisions. I have done this only when necessary, and then with an effort toward fairness and precision.

At the risk of undue length, I feel called upon to answer the question why still another book should be written upon so well-worn a subject, especially a book which at the outset promises to take no new view. I have endeavored to explain our government so simply that the boys and girls *of our nation* may understand its principles and admire its methods. It is a service not before

undertaken, and it has seemed to me as necessary as it is attractive. Where in pursuit of this end I have been unduly simple, and have repeated facts and principles which are absolutely elementary axioms, it must be attributed to the desire to interest and assist those upon whom hangs the future of our country, and to whose questioning minds all things are problems. I have had in view also the fact that we are month by month trying to assimilate thousands of men to whom our institutions are strange and incomprehensible, and who therefore give ready credence to all manner of specious and deluding doctrines, but whose minds may be entered through a plain path. It has consequently been my aim to state the great principles which underlie our national life as simply as possible. If in doing this I have sometimes been obliged to sacrifice nice distinctions and legal exceptions to general statement, I must ask my readers to remember that I have not tried to write a treatise on Constitutional Law for students of that science, but only a plain book for simple people. I have, however, endeavored that the information it contains should be at once accurate, systematic, and as complete as may be under the limitations proposed. The fascination of the subject has oc-

asionally led me away from explanation into an unnecessary analysis, but I can only hope that I have not thus fallen into the pit digged for those who gaze at the stars while stumbling along a difficult road.

A. L. D.

PITTSFIELD, MASS., March, 1885.

## CONTENTS.

---

Introduction . . . . .	35
------------------------	----

### CHAPTER I.

#### THE GOVERNMENT OF THE UNITED STATES.

Importance of Government — Necessity — Government by the People — Majority — Liberty the Object of this Gov- ernment — Need of Union — Confederation — The Con- stitution — Preamble — Contemporary Influences — Government of the United States — A Republic — A Pure Democracy impossible — Dangers of a Democracy — This a Representative Government — Institutions — Importance of studying our System . . . . .	37
---	----

---

The Legislature . . . . .	61
---------------------------	----

### CHAPTER II.

#### THE CONGRESS.

The Congress — Colonial System — Congress a Double Body — House of Representatives — Basis of Representation — Census — Districts — Election of Representatives — Qual- ifications — Residence — Titles — Term of Office — Sen- ate — Equality of States — Value of Senate — Election of Senators — Joint Convention — Disputed Elections — Time of Senatorial Elections — Qualifications — Con- stituents and Colleagues — Date of Meeting — Length of Sessions — Extra Sessions — A Congress — Adjourn- ment — Religious Tests forbidden — Oaths required —	
--	--

Iron-clad and Modified Oaths — Privilege from Arrest — Freedom of Speech — Power of Expulsion — Salaries — Perquisites — Limitations — Bribes forbidden . . .	71
---	----

### CHAPTER III.

#### THE POWERS OF CONGRESS.

Taxes — Taxation and Representation — Equality of Taxation — Power to borrow Money and regulate Commerce — Naturalization and Bankruptcy — Coinage and Counterfeiting — Weights and Measures — Postal Facilities — Promotion of Science and Art — Courts — International Relations — War Powers — Government Property — Synopsis of Powers — Powers enforced — Powers denied to Congress — Habeas Corpus — Bills of Attainder — Ex Post Facto Laws — Titles and Gifts forbidden — Appropriations necessary to obtain Money — Powers denied the States — Scope and Meaning of Article I. .	102
---	-----

### CHAPTER IV.

#### METHODS AND CUSTOMS OF THE HOUSE OF REPRESENTATIVES.

The Capitol — Organization of the House of Representatives — Officers — The Speaker — Arrangement of Seats — Election of Speaker — Oaths of Office — Committees — Revenue Bills originate with Representatives — Rules of Debate — Speaker keeps Order — Previous Question — Special Days — Calendar — Methods of Voting — Vote of Speaker — Delegates — Journal — Quorum .	116
---	-----

### CHAPTER V.

#### METHODS AND CUSTOMS OF THE SENATE.

Organization of Senate — Officers — Arrangement of Seats — Oaths of Office — Committees — Rules of Debate — Methods of Business — Voting — President <i>pro tempore</i> — Confirmation of Appointments — Executive Sessions	
---	--

— Treaties — Senate holds Open Sessions — Impeachment — Other Business requires Assent of both Houses — Conference Committees — Vetoos — Unfinished Business — Petitions — Daily Sessions — Legislative Day — Ante-rooms and Lobbies — Minor Officials — Synopsis of a Law . . . . .	139
--	-----

---

<b>The Executive . . . . .</b>	161
--------------------------------	-----

## CHAPTER VI.

### THE ELECTION OF A PRESIDENT.

An Executive — Danger of Centralization — Socialism without Excuse in United States — Need of some Head — Duty of the People — Qualifications of a President — Obsolete Provision — Term — Indirect Election — Original Plan — Electors Chosen — Electoral College — Majority of Electors, not Popular Majority, elects — States and People act together — Electors make their own Choice — Returns — Votes counted — Election by House of Representatives — Vice-President chosen by Senate — Election decided in November — Vice-President — Duties — Succession — Resignation of President and Vice-President . . . . .	167
--	-----

## CHAPTER VII.

### DUTIES OF THE PRESIDENT.

Duties of President — President's Message — Extra Sessions — Receives Ambassadors — Makes Treaties — Commander of the Forces — Pardoning Power — Appointing Power — Approves and vetoes Bills — Term of Office — Impeachment — Trial of Impeachment — Penalty — Impeachment of other Officers — Inauguration — Inauguration of Vice-President — Title — Salary — Executive Mansion — The President accessible. . . . .	187
--	-----

## CHAPTER VIII.

## THE EXECUTIVE DEPARTMENT.

President Head of Executive Department—Cabinet—  
State Department—Foreign Ministers—Diplomatic  
Corps—Passports—International Relations—Trea-  
ties—The Seal—Proclamation of New States—Pub-  
lishes Laws—Constitutional Amendments—Officials  
and Building—War Department—Controls and sup-  
ports Army—Bureaus—Signal Service—West Point  
—Building—Treasury Department—Internal Rev-  
enue—Customs Service—Money and Funds—Cur-  
rency and Coin—Financial Affairs—Lighthouses—  
Coast Survey—Life-saving Service—Estimates—Dis-  
qualification for Position of Secretary—Treasury  
Building—Clerks—Department of Justice—Duties  
of Attorney General—Officers—Office of Department,

204

## CHAPTER IX.

THE EXECUTIVE DEPARTMENT—*continued.*

Post-Office Department — Care of Mails — Building and Officers — Navy Department — Controls and supports Navy — Bureaus — Navy Yards — Naval Academy — Hydrographic Office — Observatory — The Flag — Building and Officers — Interior Department — Census — Public Lands — Pensions — Patents — Education — Geological Survey — Indians — Public Documents — Building and Officers — Agricultural Department — Salaries of Cabinet — Civil Service — Reports to Congress

246

## CHAPTER X.

## THE JUDICIAL SYSTEM.

## Danger of Uncontrolled Majority—A Written Constitution—Statutes—Need of a Check—Further Purpose

of Judiciary — Judicial Branch — Supreme Court — Nine Justices — Chief Justice — Checks on Supreme Court — Judges appointed — Impeachment and Resignation — Cannot originate Law — Decisions — Customs of Supreme Court — Salaries — Officers — Circuit and District Courts — Nature of Jurisdiction — A Test Case — Extent of Jurisdiction — Cases under Treaties — Ambassadors — Admiralty and Maritime Cases — When United States is a Party — Between States — Against States — Between Citizens of Different States — International Cases — United States Civil Officers — Original Jurisdiction of Supreme Court — State Courts — Territorial Courts — Court of Claims — Commissions — Geneva Award Commission . . . . .	252
--	-----

## CHAPTER XI.

### LEGAL RIGHTS OF THE INDIVIDUAL.

Trial by Jury — Origin — Value — Methods — Grand Jury — The Panel — Duty of Jury Service — Limitations of a Jury — Vicinage — Rights of the Individuals — Domicile — Presentment by Grand Jury — Exception of Courts-martial — Acquittal Final — Property — Speedy Trial — Public Trial — Punishment — Treason — Freedom preserved by Law . . . . .	280
---	-----

---

The Citizen . . . . .	297
-----------------------	-----

## CHAPTER XII.

### THE RIGHTS AND PRIVILEGES OF A CITIZEN OF THE UNITED STATES.

The Citizen — Rights of a Freeman — Religious Freedom — Freedom of Speech — Right of Assembly — Right of Petition — Militia — Bearing Arms — Quartering Soldiers forbidden — Privilege of a Citizen in all the States — Criminals exempt — Case of Persons held to	
--	--

Labor — Dred Scott Case — Slavery Amendments — Rights under them — Naturalization — Protection of Citizens — Value of Rights of a Free Citizen . . . . .	301
--	-----

## CHAPTER XIII.

## THE DUTY OF A CITIZEN OF THE UNITED STATES.

Duties of the Citizen — Voting a Privilege — A Duty — Conditions of Voting — In Different States — Laws and Customs of Voting — Registering — Candidates — Caucuses and Primaries — Political Parties — A Campaign — A Canvass — Majority and Plurality — Use of Troops — Voting — Polls — Ballots — Date of Election — Methods — Notices — Scratching — Process of Voting — Check List — Challenging Votes — Cheating — Counting Votes — Determining the Result — Duty of respecting the Vote — Duty of Careful Choice of Candidates — Rings — Importance of Caucuses — Danger of Neglect — Duty of watching Legislation — Process of an Election repeated — Value of Elections . . . . .	331
--	-----

---

The States . . . . .	363
----------------------	-----

## CHAPTER XIV.

## THE STATES.

The States — The Colonies — Relations of States to Nation — Source of Power — Amendment X. — Amendment IX. — The Nation — Reserved Rights — Delegated Powers — Implied Powers — State Governments — Executive — Legislature — Duties of Legislatures — Judiciary — Laws of a State valid everywhere — State Sovereignty — Different Theories — Conflict of Views — War — The Nation Supreme — Effect of Division of Power between States and Nation . . . . .	366
---	-----

## CHAPTER XV.

## THE TERRITORIES ; ALSO SOME DUTIES OF THE NATION.

Territories — Creation of a Territory — Government of a Territory — Controlled by Congress — Question of Jurisdiction — Land belongs to United States — New States — Republican Form of Government — States shall remain Intact — New States possess Equal Rights — District of Columbia — Extent of the United States — United States guarantees Republican Form of Government — Reconstruction Difficulties — United States protects against Violence and Invasion . . . . .	388
--	-----

---

Conclusion . . . . .	403
----------------------	-----

## CHAPTER XVI.

## GENERAL VIEW OF THE GOVERNMENT.

Comprehensive Glance at our Government — An Equal Share — Decision by Majority — An Equal Chance — Rulers from the People — Ruled by Representation — Equal Rights — Methods of Government in United States — Influences affecting them — Synopsis of Government — Power of Alteration — Ratification — Amendment — Senate permanent — Debts and Contracts affirmed — The Union — Constitution Supreme Law . . . . .	406
--	-----



# CONSTITUTION OF THE UNITED STATES.

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We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

## ARTICLE I.

### SECTION I.

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

### SECTION II.

The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

No person shall be a Representative who shall not have attained the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual

enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of *New Hampshire* shall be entitled to choose three, *Massachusetts* eight, *Rhode Island and Providence Plantations* one, *Connecticut* five, *New York* six, *New Jersey* four, *Pennsylvania* eight, *Delaware* one, *Maryland* six, *Virginia* ten, *North Carolina* five, *South Carolina* five, and *Georgia* three.

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

### SECTION III.

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a Senator, who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a President *pro tempore* in the absence of the Vice President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

#### SECTION IV.

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

#### SECTION V.

Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy, and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

#### SECTION VI.

The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

#### SECTION VII.

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by

the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

#### SECTION VIII.

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post-offices and post-roads;

To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas and offences against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings;—and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

#### SECTION IX.

The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or ex post facto law shall be passed.

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

#### SECTION X.

No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

### ARTICLE II.

#### SECTION I.

The executive power shall be vested in a President of the United States of America. He shall hold his office during the

term of four years, and together with the Vice President, chosen for the same term, be elected as follows:

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.]\*

The Congress may determine the time of choosing the elec-

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\* This clause of the Constitution has been amended. See twelfth article of the amendments.

tors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he may have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:—

“I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability preserve, protect, and defend the Constitution of the United States.”

## SECTION II.

The President shall be Commander-in-chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the sena-

tors present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

### SECTION III.

He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

### SECTION IV.

The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors.

## ARTICLE III.

### SECTION I.

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

## SECTION II.

The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; — to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States, — between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact; with such exceptions, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

## SECTION III.

Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attainted.

## ARTICLE IV.

## SECTION I.

Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State.

And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

#### SECTION II.

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

#### SECTION III.

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

#### SECTION IV.

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the executive, (when the legislature cannot be convened,) against domestic violence.

## ARTICLE V.

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress, provided that no amendments which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

## ARTICLE VI.

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

## ARTICLE VII.

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

## AMENDMENTS.

## ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

## ARTICLE II.

A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

## ARTICLE III.

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

## ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

## ARTICLE V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor

be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

#### ARTICLE VI.

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

#### ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

#### ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

#### ARTICLE IX.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

#### ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

#### ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

## ARTICLE XII.

The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each; which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;— the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March, next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

## ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

## ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United

States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

#### ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

## INTRODUCTION.

Civil liberty is no other than natural liberty, so far restrained by human laws (and no farther) as is necessary and expedient for the general good of the public.—BLACKSTONE.

## THE PREAMBLE.

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We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

# HOW WE ARE GOVERNED.

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## CHAPTER I.

### THE GOVERNMENT OF THE UNITED STATES.

THE government under which a man lives is of the greatest possible importance to him. It seems very far away, and of little consequence to most men, who is king, or what is done by a president, and when you tell a man that his happiness and the comfort of his family hang on that very fact, he laughs and will not believe you. But it is true that he goes to church where he will because he lives in London and not in St. Petersburg; or, if his skin happens to be black, that he may eat and drink in peace because of the act of a single president; or if he is a Russian, that it only depends on the will of the emperor to send him to Siberia to-morrow. Not only does his safety day and night, and that of his property, depend upon the government, but

Import-  
ance of  
govern-  
ment.

upon what it does or does not do depends also his work, his business, the education of his children, even so small a concern as the time when his letters reach their destination. In the United States every man is still more closely interested in his government, for here he decides for himself what it shall be and how it shall manage his affairs. So in an especial sense every American is concerned with this subject. Nothing is more foolish or more ignorant than to feel it a waste of time to attend to political action, or that the question of who shall be our rulers is of little consequence to people in general. It is worth while, therefore, to set forth plainly and as simply as may be, what our government is, and what our relations to it are, that the value of the one and the importance of the other may freshly appear.

Of late many persons are asking “What is the <sup>Necessity</sup> use of government? Why is it not a use-of government. less piece of machinery doing harm rather than good? Why cannot each man rule himself and so be much happier than when he is obliged to obey laws?” A part of the answer to this is the wickedness of bad men, and another part is the convenience of good men, and still other reasons (there are many excellent ones) are the

tendency of things, and the necessity of the situation. From the beginning of history, men have always been led by some one of their number who was stronger, wiser, richer than the rest, or selected by them for this purpose. And the necessity that all the people of a country should seek a common end, while each is protected from the wickedness of his neighbor, is as evident as the other fact that some central point is necessary, or men could have no relations with each other. All men, even the most savage, have some rules, but whatever might be true of people living quite separately and simply, in our very elaborate life — mixed with that of other men at every turn — some common central power is necessary, even for the most ordinary affairs of safety and convenience. We need some power stronger than any one man, or even any band of men, to punish murderers; to protect our houses and money from thieves or from those who would seize them by force; to ensure to us the product of our labors; to make certain that whatever rights we have are preserved. We need some one authority to make our money; to gather the funds necessary for the conduct of our common affairs; to decide disputes; to arrange all those matters which relate to many

people, so that we may go about our business uninterrupted. And in the larger matters of a nation we must have some strong source of defence against our enemies, and some collected power to enlarge our borders and make us great.

These are some of the obvious reasons why <sup>Govern-  
ment by  
the people.</sup> governments are both necessary and desirable, but the nature and methods of ruling constantly change and progress from age to age. Since the very occasion of government is the common affairs of men which concern them all alike, it is plainly just and satisfactory to allow every man to share as far as may be in these decisions. The effort to bring about this very thing is the democracy, or rule of the people, for which this country was established.

The hundred years of our existence seems to take it out of the region of experiment; but whether or not it finally proves more permanent than other governments, this is the plan we are trying,—to allow the people themselves to govern themselves. This seems the nearest possible approach to no government; it is just to every man; it is strong enough for need and use and national ends; and it readily suits all the changing needs of changing time. How, then, shall it be brought about that

every man shall decide who shall manage for the people, and by what means?

The problem would be very easy if all wished the same thing, or if every one lived in the same place; but it is another question when the people live all the way from San Francisco to Boston, and the people of New York want one thing, but the people of New Orleans quite another; yet convenience and safety alike make it necessary to have one government and one law. First of all, therefore, it seems to be evident that, if every man is to choose for himself, that which is the choice of the most men must rule.

If five men have agreed to do a certain thing, and each wishes to do it in a different way, it does not need to be shown that it is impossible! But if three wish one way and two another, it is best to follow the choice of the three. It is most fair and just. It is also the nearest possible approach to allowing every man his own choice. This being in the nature of the case impossible where there are different opinions, it yet comes nearer to that end if the three are permitted to decide, than if the decision is left to the two. The good of the greatest number (or what seems to them good) is thus brought about also, and many men think this

Decision  
by the ma-  
jority.

the main object of government. It has been found moreover, by experience, that, when men are taken in large numbers, the careful judgment of most of them is usually—all things considered—the best method to follow. This point is somewhat disputed, because the judgment of a few wise men seems at first so much better than that of the many. Practically it would seem to be immediately evident, however, that if the most men wish to follow a particular course it will certainly be wisest to do so, since thus most men will be satisfied. But looking at the larger and longer aspects of the case, it is probably true that many men coming from different surroundings, with different trainings and habits, and various views of life, will so act upon one another that the result of their decision, if it is carefully considered, will be a better practical course than if determined by the few whose habit of thought is more nearly identical. However this may be, the argument of force comes in behind all others, to determine that, in a popular government, the rule of the majority is, after all that may be said, a really just rule. If, out of five men, three wish to follow one course and two another, the three can easily compel the two to give up to them, and it is therefore the

simplest way to do at once what is desired by the three. These are but glances at some of the reasons for believing the rule of decision by majority a wise plan ; but, whatever is thought on that point, it is the method adopted by the United States, and since it is perhaps the fundamental idea of our government, it would seem to be too late to question or alter it. Attempts to fit our methods to any other idea are like taking out bricks from a foundation wall.

The problem before us thus becomes much simpler. It is no longer to do what every one of our fifty million inhabitants wish done, but rather what the most of them wish ; and all the machinery of election is only the easiest way of discovering this, while all the machinery of government is only the simplest way that can be discovered to carry it out. The methods used, however, are peculiar to this country, and, like all wise plans, have grown up out of the history of the people. As different needs have appeared, different plans or laws have been made to meet them, and so this nation has become what it is.  $\times$

The forefathers of this American people had suffered much hardship from many rulers. Liberty the object of this government. They left homes and property, and took

refuge in this, which was a wild wilderness, that they might be free from rulers whom they hated and who hated them. Some of them came that they might have such religion as pleased them; some came that they might have such government as they chose; some that they might buy and sell in peace; but, one and all, they came, at first, that they might be free. Therefore, when they had grown from a few into many people, and found that still these same governments followed them and prevented their freedom in this their new world, they could endure it no longer. Their wise men — and there were some very wise men among them — said to each other, “Together we are stronger than our rulers. Let us rule ourselves, and because we stand by each other no one can stand before us.” So they clung together, and when Massachusetts was oppressed, Virginia and all her sisters took up her cause. Together they fought the battle, and together they won it, and there came a day when England was beaten and France was joined in friendship with us, and this little scattered people on the wide shores of the Atlantic ocean was a nation.

But this young nation which had fought its way  
<sup>Need of</sup> to freedom had learned many things, and  
union.

the chief lesson was the strength to be found in union, and the need of such strength. Already its affairs had been managed by a sort of Congress which had made of this people a "Confederation." This was nothing but a partnership of <sup>Defect of the confederation.</sup> States ; it was not a union, or even a nation ; it was only a bunch of States. Each colony could go its own way, and nothing could control it, they were so bent on liberty. There was much said in the "Articles of Confederation" (the written document according to which affairs were managed) about the individual rights of the people, but very little of their common duties. There was much the government could not do, there was little power given to it for any purpose. It could not support itself unless the States chose to give the money required, it could not make war unless the States chose to furnish the necessary troops ; and more than once, during the Revolution, trouble occurred because different States had different views as to the management of their armies. Such lessons the people of this Confederation had learned, and much more. They had discovered that a nation is not a multitude of people free to follow their own choice, each and all of them ; but a nation is many people joined to-

gether for the service of all, with one object and one pride, willing to give up to the commonwealth the rights of each, to the end that all may be better served. They had learned that common duty is the watchword of freedom,—not equal rights. And so, to bring about the common good and the common glory, they banded themselves together into a nation and sheltered themselves — all of them — under the strong care of the *United States*.

To this end they met together in a convention, and declared that,—

The Constitution of the United States. “We, the people of the United States, in order to form a more perfect union,

**Preamble.** establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.”

This wonderful and incomparable declaration contains many statements that we must consider in studying our laws and how we are governed. It was to be a government by the *people* themselves. That was not altogether a new thing in the world, but, as will appear afterward, it was altogether an experiment in the form which this people proposed. But that the people should

somehow govern themselves was the great wish and hope and desire of all peoples all over the world. To some men it seemed too good ever to come true ; to some it was always a dream without even a hope of making it real. And some men had tried it, and miserably failed, or tried it only to find it a longer way to a worse tyranny. Yet this brave people, who had suffered so much from rulers set over them, had determined they would make their own kings hereafter, and once more try the old experiment of governing themselves. Made wise by all the failures of the past, they would have these kings—yes, and themselves also—governed by law. The men of this land should be free and should choose their own rulers, but should govern themselves, and should rule by *law*, written out, that it might not be forgotten or altered, and well established, that it might not be disregarded. The England from which they had come—most of them—had no written constitution, only the customs of the past to bind her, and cruel kings had gone much their own way, or crueller parliaments had enacted bad laws. The new nation would have none of this. There should be, once for all, written, ordained, and established, a Constitution, which should be the guide of its rulers, the test by

which to try its laws. It was to be the Constitution established by the *people*, it is true; but it should be also true that the people did establish a *Constitution*, by which the nation was made and which should always govern it, rulers and laws and people alike.

Moreover, it was the States united together which should do this; not the States acting together, as they had done before; but *united* together, joined in a marriage which could not be broken, for certain purposes which should bless them all alike. They were thus joined together that, giving up to the nation some portion of those rights they had each enjoyed, they might together form a perfect union; and to what end? First of all, "to establish justice," that all men might find that just and equal treatment which makes it possible for them to live together and help each other; and then that the new nation might be peaceable and quiet within its own borders; that it might, strong in standing side by side, defend itself against all the world; and that it might, thus joined together, help on the general welfare, the common weal, the common-wealth, and, last of all, that thus, strong in being united, safe in being law-abiding, free, because according to the will

of the people themselves, it might — this far-seeing and ambitious young nation — secure the blessings of liberty to itself and its children after it. Thus was a great nation born, and for these reasons and in this manner was it christened ; and therefore are we proud that we belong to the people of the United States of America. .

The manner in which our government was formed at its beginning had much to do with the methods in which it was arranged. It had a written constitution because the English government, which had proved so tyrannical, had not. It was composed of different States, instead of one great State, as other nations had been, because the country had been settled by different people for different reasons, and wide apart. Each of these colonies was jealous of the others, and anxious that none of the rest should gain more power than itself, and so all were made equal. Many of them clung to particular plans which they strove to have adopted, and these were sometimes quite contrary the one to the other. Such questions could only be settled by dropping them altogether, or by agreeing upon a new plan to suit both parties ; and some of the wisest provisions of our Constitution were the result of this

Contem-  
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our govern-  
ment.

effort to please all the people, and have proved, as time went on, just what was needed by all the people. Again, much experience of the mistakes of a parliament and the cruelty of rulers had taught these men that it was not safe to trust any sort of government with all the power, and so they made this a government of three parts, of equal power, and with the utmost care made all parts work together, but so that each part might check the others. It is sometimes called "a government by checks," and this remarkable plan has worked most admirably to preserve the interests of the people, by preventing the undue authority of any one branch of government.

The three divisions are each of them in some way the choice of the people, and each one of them has the power to control, or rather <sup>The government of the United States.</sup> to check the others, so preventing the government from ever becoming anything but an expression of the will of the whole country. Congress, which directly represents the people, makes the laws which govern them. But these laws need the signature of the President to complete them, and they cannot be enforced against the judgment of the Supreme Court. The President, who is elected by the people, carries out or executes the

laws of Congress, but if they seem to him wrong or unwise, he can refuse his signature, and thus altogether or largely prevent their becoming law. And as the President and Congress are elected in different ways, or at different times, perhaps, they are often of different opinions, thus making it doubly sure that the laws, when finally settled, shall suit the people. In still a third way the government is made to do justice to all the land, and this is the meaning and use of the Supreme Court, which interprets the law, and, on the demand of any citizen, will determine whether it is valid, and if it has been obeyed. The President and Congress together have no power to force a law upon the country, or to oblige a single individual to obey it, if the Supreme Court decides against it. In order to make this court a part of the people also, each judge is appointed by the President; and as he is chosen by the people for this purpose as well as others, it is in a sense the appointment of the people themselves. But to make sure that the President does not abuse this power, no man can become a judge unless the Senate (representing the States) agrees to his appointment. So here again it is the people who finally determine the choice, though indirectly. So it ap-

pears how every part of this great and complicated machine plays into every other part, works with it, and yet is controlled by it. Thus the three branches of the government, called the legislative, the executive, and the judicial branches,—since one makes laws, one executes them, and one judges upon them,—all represent the people, and each watches and guards the other, lest in some way their interests are disregarded or neglected.

Certain other peculiarities of our methods are apt to be especially difficult for those to understand who come here from foreign countries, imagining this to be the land where every man does exactly as he chooses, and directs everything done by the nation. This is a republic, not a democracy,\* and it is a government by institutions. A democracy is a government in which all the people decide what shall be done, directly, by their own choice, but this is quite different from our system. A republic is a government in which all the people are represented, and which is managed by the representatives of the people according to the plan of the people's choice. It is easy to see the great difference

A representative government, or a republic.

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\* In this connection these names have no relation to political parties.

between these two plans. That by which all the people decide immediately what shall be done is at first the most attractive, but it is neither so safe nor so convenient as the other. It is <sup>A pure</sup> <sup>democracy</sup> only possible when the nation consists of <sup>impossible.</sup> a few people and where life is very simple. A great nation would be impossible if all the people were to decide every question. There might be a multitude of small nations all over the country, but not a single great one; for fifty millions of people could not meet together to decide their affairs. They would at once be obliged to choose men to do it for them, and we should have a representative government again. The little nations of Greece tried this democratic plan, but it ultimately proved a failure even with them; and it is used at the present time in some very small divisions of Switzerland. The other principal reason which makes a pure democracy <sup>The danger</sup> <sup>of a pure</sup> <sup>democracy.</sup> impossible is the unreliable and hasty way in which great companies of men gathered together are accustomed to act. They do not stop to consider anything. They never could make a law, because they never would deliberate enough over it. They would often be very terrible and tyrannical, like the French in 1793, and they would

always be very weak and wavering when they were not carried away by passion.

Moreover, large bodies of men who are not responsible to anyone for their actions are ready to do very unwise things, while the same men will behave very discreetly if they must explain their course to some other authority. This is a universal experience. The people could not directly decide the affairs of a nation unless they were very simple affairs indeed, and they could not be trusted to decide them rightly in so hasty a manner. The rule of the majority would probably be always most unwise (though it would be inevitable) in a pure democracy.

Most of these difficulties are removed by a representative government. The inconvenience and impossibility of governmental mass meetings disappears, because small bodies of men, each in their own part of the land, meet together and choose some one to represent them in a larger body. The body selects other representatives, and so the people are always represented; but the number of men met together to decide the questions of government is comparatively small; and because it is a small body, it can deliberate, discussing thoroughly and deciding

This a representative government.

carefully the questions which come before it, while, because it is a representative body, it still preserves the advantages of a decision by all the people. It is hoped that a process of careful selection of representatives will also occur, thus securing wisdom in governing. These men, being chosen to represent the rest, are of course responsible to those making the choice, and will not receive such distinction again if their action is unsatisfactory, so that every man feels this responsibility and is not likely to be rash or careless. Thus the country will be much better governed than in a pure democracy.

The advantages of this form of popular government seem very evident, and it would appear to be the only possible method, as well. But, like so many other cherished beliefs, it is much questioned at this time, and it becomes us to reflect upon our system, and determine for ourselves why it is better than others, and what results came from it. Large bodies of men called socialists wish to destroy all kinds of government, or at least to make a pure democracy of every nation. They of course think the American system greatly interferes with liberty. Other men, who believe in government and in our system, still think the

people are constantly cheated out of their choice by the representatives. These last objectors do not seem to realize that such a course is impossible for any length of time. We do not in our system ask the people to make any law, but we do ask them always and everywhere, in everything, even the smallest matters, to choose representatives who shall decide and act for them. In thus choosing they agree to abide by the decision of these representatives, and, if that decision is unsatisfactory, to wait until another opportunity and then remedy it by choosing other representatives. When a law is passed that the people do not like, it yet cannot properly be said that such a law is contrary to their wishes. They wished certain representatives to make these laws, and, until they turn out these representatives, must be satisfied with the laws. So if the representatives of the people in an electoral college choose a President whom all the people do not like, it cannot properly be said that such an officer is not the choice of the people. He is the choice of the men chosen by the people to select him, and therefore is the choice of the people themselves. This principle runs through all our system. We choose men to represent us, agreeing to abide by their decision.

and this decision is determined by the majority of these representatives. This is a republic, a government by the people, well arranged and guarded, to make it safe and wise, but altogether free, and absolutely the choice of the majority of the people.

Still again we are guarded by the fact that this is a government by institutions, that is to say, a government acting through established institutions, such as officers and laws. The people do not decide every day what shall be done for that day, nor every year entirely how the government shall be managed for that year. There are certain offices always existing, and the people decide who shall fill those offices. There are certain laws, and back of them the Constitution, always existing, and the people decide how these laws shall be carried out, and if new ones are needed. This is the greatest safeguard possible to a popular government. But for this the people might decide some day there should be no more marriages, or that all the churches should be pulled down, or determine upon any other wild plan which some eloquent orator could persuade them to adopt. Such confusion and wrong is prevented by the solid institutions that are behind us,

Govern-  
ment  
through in-  
stitutions.

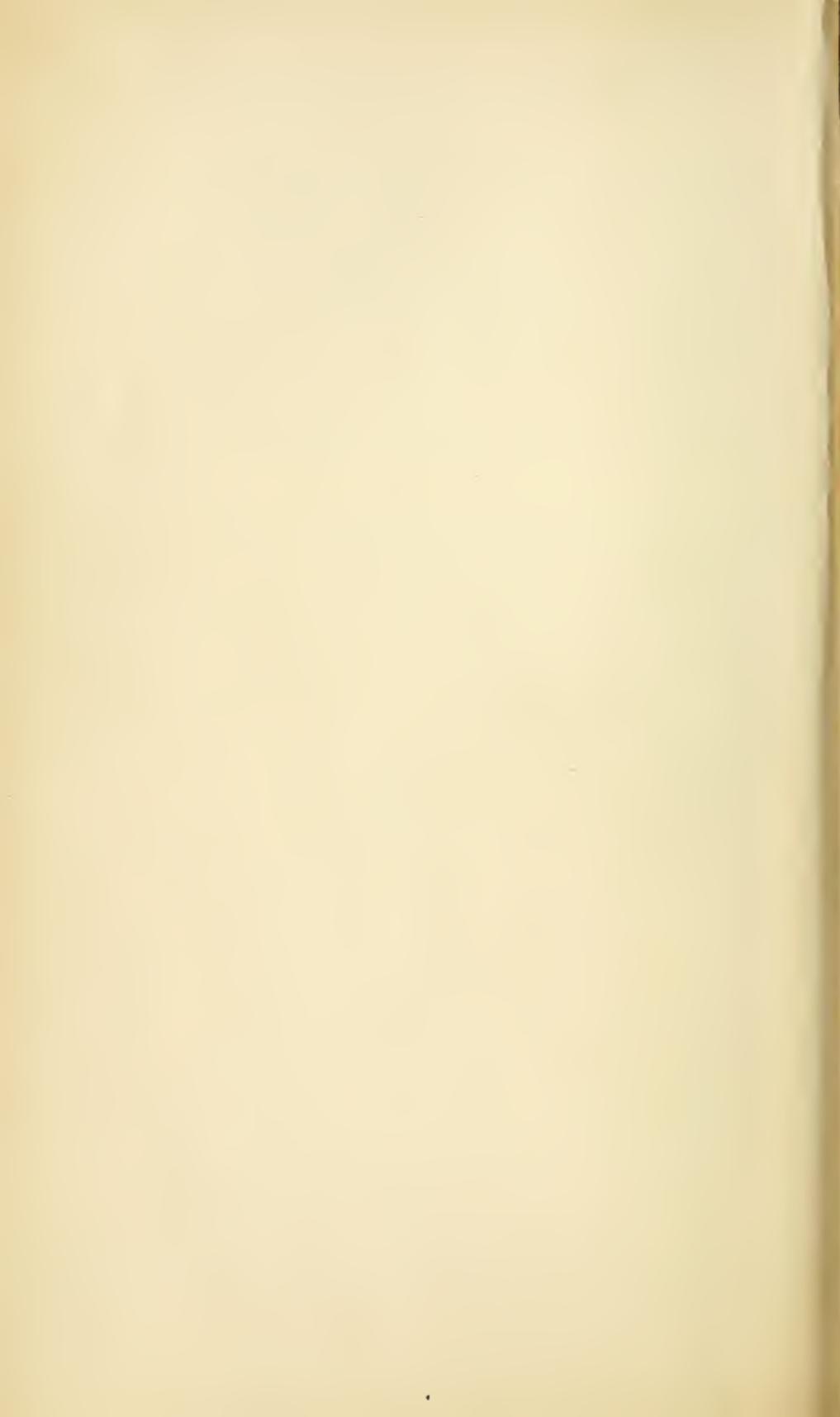
keeping us firm and steady like the track of a railway, over which the locomotive thunders with tremendous power, going fast or slow as seems good to the engineer, and as is possible to the amount of steam driving it. But let the track be torn up for ever so short a distance, and the same power that sent the engine along so grandly will tear it to pieces.

Yet there are people in these days who say all government is tyranny, and that all the trouble and misery of the world comes from these institutions of government, which stand in the way of all

<sup>Importance of studying our own system.</sup> freedom and all happiness to the people. To meet such argument we need to know

the meaning and ends of our own government, how we get it, and why it is the best system that has ever yet been devised. We shall thus be better able to appreciate our advantages; we shall understand our duties better; and we shall be quicker to see dangerous tendencies, and to come to the rescue of our institutions. The glorious privilege is ours of living under a government by *the people*, but it is nevertheless a *government* by the people, and it is altogether for the *benefit* of the people that we are governed. Let us not forget these things, nor disregard them, nor, worst of all,

sneer at them. Neither let us, because we have not studied why and what our government is, complain of its failings, and wish for something else. Let us, instead, begin already to put our hands to the wheel and make it better.



## THE LEGISLATURE.

I always believed that an unequivocally free and equal representation of the people in the Legislature, together with an efficient and responsible Executive, was the great pillar on which the preservation of American freedom must depend.—WASHINGTON.

## ARTICLE I.

### SECTION 1.

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

### SECTION 2.

The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

[Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.] The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of *New Hampshire* shall be entitled to choose three, *Massachusetts* eight, *Rhode Island and Providence Plantations* one, *Connecticut* five, *New York* six, *New Jersey* four, *Pennsylvania* eight, *Delaware* one, *Maryland* six, *Virginia* ten, *North Carolina* five, *South Carolina* five, and *Georgia* three.

When vacancies happen in the representation from any State,

the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

### SECTION 3.

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a President *pro tempore* in the absence of the Vice President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States: but the party convicted shall nevertheless be liable and

subject to indictment, trial, judgment, and punishment, according to law.

#### SECTION 4.

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

#### SECTION 5.

Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy, and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

#### SECTION 6.

The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for

any speech or debate in either house, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

#### SECTION 7.

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Rep-

resentatives, according to the rules and limitations prescribed in the case of a bill.

#### SECTION 8.

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post-offices and post-roads;

To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas and offences against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of

training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings;—and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

#### SECTION 9.

The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or ex post facto law shall be passed.

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and

no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

#### SECTION 10.

No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

### ARTICLE II.

#### SECTION 2.

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The President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

### SECTION 3.

He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

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## ARTICLE VI.

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The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

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## AMENDMENT I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

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## AMENDMENT XIV.

### SECTION 3.

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any

office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

## CHAPTER II.

### THE CONGRESS.

IN a government by the people, the legislative department is the most important as well as the most necessary branch, for by means of it the people express their will and decide upon the measures they wish to adopt. It is here that the real governing is done, and, recognizing that fact, the Constitution commences by arranging for the establishment of a national legislature, and goes on to explain the powers and privileges of that body, which is called “Congress.” In this department of our government, every man in the United States is represented, and thus helps to control the action of the nation and to manage its affairs. To the end that this might be true, and that our national affairs might be well and wisely administered, most careful attention was given to this portion of the Constitution, both in defining the rights and duties of Congress, and in limiting its power. Two opposite dangers were likely to be-

The Congress.

set the young republic. A Congress might be so restricted and overborne by the other parts of the government that the voice of the people could not be heard, and might be altogether disregarded ; or Congress itself might gradually gather into its own hands more and more power, losing the advantages hoped from a threefold control, and falling into the very dangers so much pains had been taken to prevent. In fact, the latter has proved the more probable danger, though men are not wanting who think our system is in peril from quite the opposite cause.

It was first necessary to arrange that Congress should be a body in which every man should be represented so far as might be. The colonies had already tried the experiment of handing over their affairs to such an assemblage, and had found the plan a good one, although by this means some grave faults and pressing needs had been discovered. Among other peculiarities of the colonial Congress was its manner of voting. Although each colony was represented by delegates proportioned to its inhabitants, they all voted together, as one man. This made all the colonies equal in power, whatever their influence or size might be. Naturally enough, when the question arose of

Colonial system.

establishing a permanent system of government, two parties appeared in the convention charged with this duty,— the party who insisted on a full representation of the *people*, and the party who wished still to preserve the *colonies* as the ground of representation, and reserve to them the right of voting, rather than open it to the people.

The discussion resulted in a compromise which combined both methods, dividing Congress into two parts, each representing one of these ideas, and all the legislative powers of the new Congress were granted to two bodies (instead of one) called the Senate and the House of Representatives. The members of these two Houses of Congress represent these two methods of governing, and to this end they are chosen in different ways. They must, however, not only consider the same questions, but they must also agree upon the decision. It takes both of them to make our laws, and in various ways they together represent every variety of interest among our people. Like husband and wife they bring to their work different ideas and methods, and they sometimes have different duties; but they have a common interest, they are indissolubly

Congress a double body.  
Senate and House of Representatives.  
Art. 1, § 1.

married, and whatever decision is made is the work of both.

The House of Representatives is the body which immediately and directly represents the *people*. This is the place where the will of the nation is felt, and it is here especially that every man helps to make the laws. Although the ten million voters cannot gather in one place for this purpose, they can select the men whom they consider able and suitable to do this work for them, or, in a single phrase, to represent them. The Constitution first provides that such representation shall be an actual fact, and afterward regulates the conditions under which these men shall work in making the laws. The House of Representatives is composed of members chosen every two years by the people of the several States. Every man may help choose them who is allowed by that State to vote in its own affairs. As the States were to be much considered in this government, the reasons and results of which will be dwelt on hereafter, it was remembered in all the provisions of the Constitution that the inhabitants of the country were already gathered together into colonies now to be called States, and consequently even the representatives are

House of  
Repre-  
sen-  
tatives.

Art. 1, § 2.

chosen by the people of each State for itself, and regard especially the interests of the inhabitants of that State.

It is of course necessary to any equality or justice in this representation, that each Congressman shall, so far as may be, stand for the same thing. The people would hardly have an equal share in the government, if by New York law every ten thousand men might send a representative, while by the law of Pennsylvania forty thousand must unite to send a similar representative. These men must represent the same number of people in each State, and it is so directed; and every person liable to be taxed, and so obliged to help in supporting the government, is to be counted in this number.\*

Basis of representation.

The Constitution does not give further directions as to the manner of this choice, or even the method by which a share in it is secured to every voter, but contents itself here and elsewhere by

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\* At the time of the adoption of the Constitution, many States had a large slave-holding population, and an elaborate arrangement was made by which these negroes were taken into consideration in this reckoning; but as there are no longer any slaves in the country, that part of the second section of the first article of the Constitution is now of no consequence whatever. The law at present in force is to be found in the second section of the Fourteenth Amendment.

directing that these rights shall be preserved, and shall not be hindered. Congress has therefore made many laws relative to the matter, with the purpose of securing freedom and equality as far as possible, and the different States have also passed similar laws, more particular in their nature. all of them, national and State laws alike, striving to guarantee to every man all his rights in our government.

Once in ten years all the people of the United States are counted, and when their whole <sup>census.</sup> number is discovered, it is easy to determine how many must join together to send a single representative. The original division was into groups of thirty thousand, and wherever that number of people were gathered together, one congressman was chosen from among them. But the country grew so rapidly that it soon appeared that if all the people were to be divided by thirty thousand, the House of Representatives would become so large it could not manage its affairs. Therefore from time to time, when a census has been taken (the name given to this counting) Congress has decided upon a new division and a new “basis of representation”; that is, a fresh arrangement into groups for the purpose of choosing con-

gressmen. These divisions of the country containing the stipulated number of inhabitants are called "districts," and each one sends its own representative. Thus in 1870 we had a congressman for every one hundred and thirty-eight thousand inhabitants, but it proved in 1880 that the population had increased enormously — so fast that to divide all the people in the United States by that number would make so many congressmen that no business could be done. It therefore became necessary to put more people into a district. This was perfectly fair, because, through the Congress then in session, the whole country agreed to it, and also decided the question of how many persons should be represented by one member of Congress. It was concluded to be most fair to the whole country that each district should contain one hundred and fifty-four thousand people, and this was accordingly agreed upon ; consequently, until 1890, wherever there are one hundred and fifty-four thousand persons in any State, they compose a Congressional District and send one congressman. In Massachusetts, for instance, there are twelve districts, and she sends twelve representatives to Washington, because there are twelve times one hundred and fifty-four

thousand inhabitants in that State. Of course it is often impossible to have exactly one hundred and fifty-four thousand persons in each district. The arrangement of the population in towns and cities interferes with such an exact division, but it is made as exact as possible. Congress having decided that part of the matter which concerns all the people,—how many persons shall be represented by each congressman,—it leaves to each State that question which concerns only the State,—how these shall be arranged.

Members of Congress are elected every two years, on the first Tuesday in November.\* <sup>Election of</sup> <sub>representatives.</sub> This is a general election day, and it is the only time (except under peculiar circumstances) at which the people vote for national officers. For the sake of convenience the officers of the State are voted for at the same time, but this has no other connection with the national election. The voters of each congressional district in a State, having previously selected such persons as seemed to them suitable candidates, cast their votes for one or the other of these men. These votes are not cast all at one place, but each man votes in

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\* There are a few exceptions to this rule.

his own town. That candidate is finally elected who received a majority of the votes in the particular district where he lives. This arrangement is not provided for in the Constitution, but has been settled by laws made by Congress, in order that all the representatives should stand for the same thing and be exactly equal the one to the other.

Every effort is made, in many ways, to give every voter his choice who shall represent him and manage affairs for him, so that those men who are finally chosen represent the wishes of the greatest number of voters. When all these gentlemen — three hundred and twenty-five of them — come to Washington on the first Monday in December, they represent very correctly the feelings of the people of the whole country. As they are changed every two years, there is very little opportunity for any great difference to arise between their opinions and those of the people. It is a mistake to imagine that the people are not accurately represented by the congressmen. Often their action does not suit some one part of the country, but any careful thought will show that the cases must be very rare in which the action of the House of Representatives is not what would be wished by the

The House  
of Repre-  
sentatives  
a represen-  
tative body

people of all sections if they were gathered together at Washington.

In order to become a member of the House of Representatives, a man must be twenty-five years old, must have been a citizen of the United States for seven years, and must be an inhabitant of the State from which he is chosen. In most countries no one can belong to the government unless he is a native of the country, but a man may come here from any land, and become as really a citizen of the United States, with its duties and all its privileges, as if he had been born here.\* But before he can become a part of the government itself, we wish to make sure that he really intends to be our countryman, and not, for some purpose of his own, simply to get the privileges of a citizen without his duties. For this reason, if he wishes to belong to the House of Representatives, he must first have been a citizen of the United States for seven years. It is directed that representatives shall be men at least twenty-five years old, in order that they may be men of some knowledge and experience, and a man must live in that part of the country which elects him in order that each portion of the land may be actually

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\* Our Constitution does not permit a foreign-born citizen to become President, and as yet the Chinese are excluded from citizenship.

represented. A representative always resides in the particular district which elects him, as well as in that section of the country. Although there is no law making this last restriction necessary, it is considered so important to the people in order that each little section of the country may be fully represented, that no one is ever allowed to be a candidate who does not live in the district which proposes him. This is very different from the English practice, where any Englishman can be chosen, and a member of the House of Commons is often a person without any interest whatever in his district, but who has in some way succeeded in procuring the election. By the American plan a great deal of corruption is prevented, and it becomes impossible for any part of the country to be unrepresented. As it is a fundamental idea of our system that, as nearly as may be, every man should be represented, it is preferable to the English plan, even if, on account of it, Congress sometimes suffers. It must never be forgotten that the idea of our government is not that it should be composed altogether of the best men anywhere in all the country, but rather of the men representing most truly the people of all the country, from among whom they come, and

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chosen because most satisfactory to the majority of those people. Thus the American plan is much more truly democratic in its idea than the English. The Revolution occurred in order to establish the principle of representation, and by such details of methods as have been described, we endeavor to make it practical and certain.

A member of the House of Representatives is often called simply a member of Congress. <sup>Members of Congress.</sup> Of course all congressmen in both Houses are alike members of Congress, but senators are seldom meant when this phrase is used. All of <sup>Proper titles.</sup> them, however, are addressed in writing as "Honorable," and usually the particular abbreviation which designates their office ("M. C." or "U. S. S.") is placed after the name also. The <sup>Term of two years.</sup> term of every congressman begins on the fourth of March, in the year for which he is elected, but members of the House of Representatives never take their seats until December, unless there is an unusual or extra session.

The people of the United States being not only <sup>The Senate. Art. 1, § 3.</sup> citizens of the United States, but each of his own State, the Senate of the United States represents the States. Of course each State is made up of the people, so the Senate

also represents the people; but it is this time in the form of States or independent governments. The States, which have each a government by itself, and which are like so many separate nations, must be represented in the government as well as the people. Two different elements make up the United States government, are governed by it—and represented in it—the people of the United States, and the States of the United States. Equality of States.

And, of course, when it is the States that are represented, one is just equal to another. Rhode Island has just as important a government, and, as a State, is entitled to just as much consideration as Texas with its many miles of territory, or New York with its millions of people. Consequently, each State has two senators, representing Two senators. the State. This prevents any part of the country from getting permanent control of the national government, or from gaining more influence than the others. For instance, in the House of Representatives at the present time, South Carolina has only seven congressmen, but New York has thirty-four; and though Illinois has twenty, California has only six. Yet in the Senate, South Carolina and New York, California and Illinois, have each the same number of senators, and so

exactly the same power in that body. For this reason, contrary to the opinion of some ignorant persons, the Senate is even more important to the interests of the whole country than the House of Representatives. The people are quite as much concerned in its preservation, and in keeping it undisturbed, as in the House of Representatives, for otherwise we should soon have what would practically be a monarchy situated in that part of the country which happened to be most convenient for business and commerce. Now by means of the two Houses together, not only are the whole people represented, each voter having something to say, but each State or government has an equal share in the decisions of Congress, whether it contains more voters or less. Thus, by an arrangement of wonderful wisdom, no part of the country can ever entirely get the control away from the rest, and yet that part of the country containing the most people must always have most power in the government.

It is somewhat difficult to reach a State itself, except through its government, and therefore the Senate, Art. 1, §§ 3, 4. before the Senate representing the States as separate bodies, the senators are chosen by these governments, that is by the legislatures. But as

the people choose the members of these legislatures with especial reference to electing United States senators, it is, after all, the people themselves — considered this time as citizens of the State — who choose their senators. So again we come back to the people, the place to which all political roads lead in this country. The people elect the representatives directly, and the people gathered together in a State choose men to elect senators, which is only another and an indirect way in which the people elect the senators. But in the first case the member of Congress represents the people of a small district, and in the other he represents a whole State and all the people in it; in the first place the representative is chosen by the votes of the people, and in the second, the senator is chosen by the votes of the legislature.

Although these elections are still held at different times, the manner of doing it must be the same everywhere, and although Congress can alter the time and manner of choosing its member in every other respect, the Constitution itself says the *place* of choosing senators shall not be changed. On a day appointed by law, the second Tuesday after the organization

An indirect  
election by  
the people.

Manner of  
voting for  
senator.  
Art. 1, § 4.

of the legislature, that body votes for senators. If any one man receives the necessary number of votes in both Houses, he is declared elected. If, however, he does not receive votes enough to elect him from each House on that day, the legislature <sup>Joint con-</sup> meets again the next day for the same pur-  
<sub>vention.</sub> pose, but this time both Houses meet together and they vote as one body. The legislature must keep on voting at least once every day, in this joint ballot (both Houses together) until a senator is elected.

If there is any dispute as to who is elected, <sup>Disputed elections.</sup> either to the House or Senate, the governor <sup>Art. 1, § 5.</sup> nor gives his certificate of election — without which no one is admitted to either body — to the person whom he considers elected. This man goes to Washington and takes his seat, but his opponent, who disputes the election, at once claims that the governor has decided wrongly. Congress then investigates the matter and determines (each House considering the case of its own member) who has the right to the seat. In this way fraud is prevented, and no governor can send a friend of his own unless actually chosen. Nor can he prevent any one from getting the place. For such reasons this is a most valuable provision.

Not an inconsiderable part of our liberty as a people and our life as a nation is bound up in that phrase in the Constitution which says,— “Each House shall be the judge of the elections, returns, and qualifications of its own members”; for thereby it becomes certain that the choice of the people must be regarded, and any attempt to set it aside or to substitute anything else will be discovered and prevented.

An election for senator does not occur every two years, however. Each senator remains in the Senate for six years, and as the senators from each State are elected at different times, these senatorial elections occur at irregular intervals. By a very careful and elaborate arrangement, not only does no State ever have two new senators at once (unless something extraordinary occurs),\* but only one third of the senators are new in any one Congress. Six years being a different length of time from the term of the House of Representatives which is two years, and from that of the President, which is four years, some portion of the government is always new, and some portion always old. It never can

Times of  
senatorial  
elections.  
Art. 1, § 3.

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\* In 1881, both senators from New York suddenly resigned, and that State returned in their places two new men.

be all new at once, and no opportunity is offered for any person or group of persons to suddenly seize the control of it. And because it never is all of it old, but some part is always new, there is no opportunity for those who are already in office to keep the power. This also provides against any life senators, as they are called. In Rome the senators held their place for life, and they soon became a very arbitrary and despotic body, which is the difficulty with such a position. The Republic of France has a class of senators for life, and there are some great advantages to be gained from the experience and independence of such a body, but as it is not responsible to the people it does not constantly and accurately represent them.

Qualifications of a senator. Art. 1, § 3. A man who wishes to be a senator of the United States must be at least thirty years old, must have been a citizen for nine years, and must live in the State from which he is elected. This last apparently unnecessary provision has often occasioned serious consequences. It has happened that a man who could not get elected to Congress from one State would move to another, and would be sent from his new home. On the other hand, some senator who had prac-

tically given up living in his own State, or had sold his house there to live in Washington altogether, has found that his constituents did not care to vote for him again.

In common speech those particular voters who elect a congressman to either House are <sup>Constituents.</sup> called his constituents, and all the con- <sup>Colleagues.</sup> gressmen from one State are called colleagues; but these are not titles, only names given for convenience.

The date of the meeting of Congress is fixed by law. The English Parliament does not meet at any given time, but when called together by the King. This gives a dangerous power to the government, and, in order to avoid it, our Constitution provides that Congress must meet at least once in every year, and at a fixed time. The date has been sometimes changed, but at present it is the first Monday in December, as originally fixed. A regular session never begins at any other time. In 1867 a law was passed that each Congress should meet on the 4th of March, but this was repealed after five years, and now all regular sessions begin on the first Monday in December.

Date of  
meeting of  
Congress.  
Art. 1, § 4.

Each Congress holds two sessions of unequal

length. The first cannot end until both the <sup>Length of</sup> Senate and the House of Representatives sessions. are ready to adjourn. This is intended to give them time to do all the business necessary, and to deliberate upon it very thoroughly. This last object is certainly accomplished, for they seldom finish their work before July, and more than once have continued in session until August or September. The second year, however, they are obliged to adjourn on the 4th of March. There is no law directly mentioning this date as the end of a Congress, but the first Congress under the Constitution met on the fourth day of March, 1789, and as the representatives were chosen for a term of two years, of course those terms expired on the 4th of March, 1791. Consequently all other congressmen, since that time, have commenced their terms and have finished them on that date. In the nature of the case, therefore, Congress must come to an end on the 4th of

<sup>Long and short sessions.</sup> March on the alternate years. Thus every other session, beginning with the first year of a new Congress, is a "long session," and every alternate one is a "short session," closing <sup>Extra ses-</sup> the Congress. But the President may call <sup>sions.</sup> **Art. 2, § 3.** that body together in a "special [or extra]

session," if in his opinion there is business requiring immediate attention.

When any "Congress" is spoken of, two years — the term of a member of the House of Representatives — is meant. Each two years, taken together, make a Congress, having usually only the two regular sessions, but occasionally, when extra sessions are needed, including three or four. For convenience, the Congresses are numbered, and we never speak of the date, but always of the number; as, for instance, never of the Congress of 1861, but always of the 37th Congress. That which met in December, 1884, was the 48th Congress. The 40th Congress met on the 4th of March (1867), on July 3d, and on November 21st, in extra sessions, lasting each of them several weeks, and again on the 2d of December for the regular session, which lasted nearly eight months. The same Congress met again as usual in the next December, and remained in session until it ended by the expiration of the term on March 4th, making five sessions for this one Congress — the two regular sessions, and the three extra ones which preceded them. Whatever comes within the two years is included in the doings of one Congress. For the next one a

Congresses  
are num-  
bered.

new election is held, all the members of the House of Representatives and part of the senators being newly elected, and everything connected with the business of the two Houses beginning afresh.

During the term of a Congress, neither House can, by itself, adjourn for more than three days at a time. <sup>Adjourn-  
ment.</sup> <sup>Art. 1, § 5,  
cl. 4.</sup> If either House wishes to stop working, it adjourns or takes a recess, as it is sometimes called, for any length of time it chooses, provided it is not longer than the specified three days. But for an adjournment of any length, both must agree upon the date of separating and the date of meeting again, lest one House prevent the other from doing any business by suddenly leaving it alone. Thus it is arranged that the country cannot be unexpectedly left without a governing body. A Congress must meet every year on a given day; it may not come to an end until a given time, but, when that time comes, must cease; and yet on every other year it may spend as much time as desired over its business; and if, during its absence from Washington, any emergency arises, it can be called together for an indefinite period, always provided that it adjourns before the time specified for a regular session. If, however, it should ever happen that

the Senate and House could not agree as to when they should adjourn, it is provided that the President shall decide, but this trouble never has occurred, and probably never will.

Power of  
the Presi-  
dent to ad-  
journ Con-  
gress.

Art. 2, § 3.

The original emigrants to this country were many of them Quakers, Baptists, Puritans, Catholics, who were obliged to come here because their religion differed from that of the country where they were born; and, in order to make sure that this was a free country in that respect also, it was expressly declared that no particular religious belief should ever be required of congressmen or any other officer of the United States. As Congress cannot altogether control the individual States, it was a long time before this was true of all their own governments. No Jew or Catholic could hold office in New Hampshire until 1878, and it is still required in Arkansas that a man who wishes to be an officer of that State should believe in a God, and in Mississippi that he should also believe in a heaven and a hell. Many such restrictions existed for years, and some still exist in the different State constitutions; but they contradict the very idea of our govern-

Religious  
tests for-  
bidden.

Art. 6.

Not true  
of all the  
States.

ment, which is, as has been said so many times, to represent the people, and to give them, as far as may be, perfect liberty of choice and action.

<sup>Religious tests unfair in a republic</sup> It is not just, under such a system, to prevent a man from holding office because

his religious belief is not that which some people think is right.

It is necessary, however, that every man should <sup>Loyalty necessary.</sup> support the government, and not constantly try to disturb it, for in that case we should

<sup>Oaths required.</sup> have no security whatever for our persons or our property. Therefore both senators and

<sup>Art. 6.</sup> representatives and most other officers are obliged to solemnly swear that they will be loyal to the nation and support the Constitution. Many persons who had once sworn to do this broke their oath during the war, and the Constitution was

<sup>Amend. 14.</sup> accordingly altered so that no one could hold office under the United States who had taken such an oath and afterwards broken it. All government officers of every kind were obliged

<sup>Ironclad oath.</sup> to take what is called the "ironclad oath;" that is, to swear not only that they would support the Constitution, but that they never had fought against it, or in any way helped the effort to destroy it. But, after the war, many

persons were elected to Congress and other offices who had been soldiers or officials in the Confederate service, and in 1868 a law was passed that such persons might, if they desired, take what is called the "modified oath." But this applied only to those cases in which Congress had previously voted that their disability to hold office should be removed, and this must be done by a two-thirds vote, as provided in the fourteenth amendment to the Constitution. Those who take this oath swear that they will never fight against the Constitution hereafter, but omit any mention of what they have done in the past. The iron-clad oath is in the following words:—

"I do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel or encouragement to persons engaged in armed hostility thereto; that I have never sought nor accepted nor attempted to exercise the functions of any office whatever, under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power or constitution, within the United States, hostile or inimical thereto.

“And I do further swear (or affirm) that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter; so help me God.”

The modified oath leaves out all the first part of the declaration, and begins with the phrase, <sup>Modified oath.</sup> “I do solemnly swear that I will support and defend the Constitution.”

While a congressman is in Washington attending to his duties, or when he is going <sup>A congress- man privileged from arrest</sup> there or coming back, he cannot be arrested <sup>Art. 1, § 6.</sup> unless he is a traitor, or unless he is disturbing the peace of the community, or unless he has committed a felony or crime great enough to send him to the State prison. If it was not for this provision, it might be arranged to arrest part of the congressmen on their way to Washington, while the rest might pass any laws they chose before these prisoners could prove themselves detained on false charges.

Another wise provision of the Constitution preserves every congressman from question because of anything he has said in Congress, so that the right of free speech is not hampered by any fear of outside interference. Unfortunately, congressmen are not always gentlemen, and it has sometimes happened that they were not even honest men; accordingly the privilege of free speech and the privilege from arrest have this check. Each House may expel any member whom two thirds of his associates consider unfit in behavior or character to longer represent his constituents. When a congressman becomes very angry, and makes violent and untrue charges against his associates, his conduct is called a "breach of order," and he is threatened with expulsion unless he publicly apologizes. Under these circumstances, he usually makes humble excuses.

Both senators and representatives are paid a salary, in order that a man may be chosen without reference to his property. This is one of the provisions which make our government really democratic. Otherwise, only rich men could be a part of the government, and the poor man would lose his equal opportunity.

Freedom of speech.  
Art. 1, § 6.

Powers of expulsion.  
Art. 1, § 5.

Salaries of congressmen.  
Art. 1, § 6.

However, these salaries, like all given by this nation, are fixed at a point scarcely covering the necessary expenses of living, which, for many reasons, are very great, and consequently there is no temptation to persons unfit for the duties to seek the office in order to make money. The salary is now five thousand dollars a year to both senators and representatives. The Speaker of the House and the President of the Senate are paid eight thousand dollars a year.

The congressman is paid "mileage," or twenty cents a mile for the distance between his <sup>Mileage.</sup> home and Washington, in order to cover his travelling expenses. The Sergeant at Arms <sup>News-papers.</sup> also buys for him a small number of newspapers (the particular journals being his own selection), that he may know what subjects are interesting the country. He is allowed <sup>Stationery.</sup> one hundred and twenty-five dollars a year to pay for these newspapers and for stationery. This last matter so often occasions great misunderstanding that it seems to need explanation. He may spend this money for anything he wishes, of any kind, but it is intended to cover the cost of his enormous correspondence on public affairs. It is very common to see in the news-

papers, long lists of what has been furnished congressmen under this head, and people who do not understand the matter suppose the country was obliged to pay extra bills; but, in reality, the country has only paid the same one hundred and twenty-five dollars.

No congressman can hold any other office under the United States government while he is in Congress. This does not prevent his being a State officer, if the duties do not conflict; but he cannot be a collector of customs, for instance, or hold any other office the salary of which is paid by the United States, while he is already drawing one salary as a member of Congress.\* This provision is especially intended to prevent the selection of cabinet officers, who are the advisers of the President, from among the congressmen, and thus mixing the different branches of the government. In England, a cabinet minister is usually a member of Parliament, but the statesmen who formed our Constitution thought this gave too much opportunity to concentrate the power in the hands of the President. So everywhere, even in less important

Cannot hold two offices.  
Art. 1, § 6.

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\* This is true of all other United States officers as well as congressmen.

affairs, the effort is made to divide the government, and prevent any one part gaining an undue influence.

While a man is in Congress, he is also prohibited by the Constitution from receiving any office he has helped to create. If an office is established by any Congress, no man then in that body can accept the new position; and the same law applies to the offices of which Congress has raised the salary. Thus no one can make a nice place for himself.

Congressmen are forbidden by law to take any money from an individual for what they do in Congress. They are further prohibited from taking any pay whatever, either directly or indirectly, for any service rendered any one (outside of the regular courts), in a difficulty arising between the individual and the United States. They are constantly arranging, for their constituents or others, affairs of great difficulty and importance between these persons and the different departments of the government, such as disputed contracts, claims, pensions, and pardons. They are always obliged to undertake a good deal of this work, and often are able to help the people very much, but they are not allowed to take any

Cannot hold an office he has helped to create or increase.

Art. 1, § 6.

Forbidden to receive bribes, and also to receive pay for public services.

pay for it under penalty of a heavy fine and imprisonment, and the man who is convicted of this offence is also prohibited from ever holding any other office under the government. A nice sense of honor also prevents a congressman from receiving pay for services of any kind to any railroad or other great enterprise while it has questions before Congress for decision, lest he might seem to neglect the interest of the public in order to advance his personal fortune.

## CHAPTER III.

### THE POWERS OF CONGRESS.

THE duty of Congress is to arrange and direct the affairs of the country and its management. For this purpose many things are specially committed unto it, and its powers are clearly defined.

It must determine how the money necessary to support the government and carry on its various functions shall be raised, whether by taxes or otherwise. In regulating the power of Congress, much is said about taxation, or the power to oblige the people of the country to pay the money necessary for the support of the government. Sometimes this money is taken directly from every man; sometimes persons are asked to pay so much on all they own of a certain kind of property, as lands or houses; sometimes they pay a certain amount on all they sell of a particular kind of merchandise, as whiskey or cigars: these are different kinds of taxes. Sometimes a certain sum is paid on goods brought from

foreign countries, and this is called an impost or tariff. All this money is used to support the government, and it is a very delicate matter to so arrange these payments as to furnish an income large enough for the purpose, but not too large, lest the people be obliged to give more than is required. It is of course suitable and necessary that the expenses of a nation should in some way be paid by its inhabitants.

The question of taxes was one of the great grievances of the colonies, and among the principal causes that led to the Revolution. The colonies had been taxed without their consent, and had suffered much injustice of that nature. Remembering this, the statesmen of that time made the Constitution very plain under the subject. At first it was arranged that direct taxation\* and votes should go together, such taxes being proportioned to the number of the inhabitants, but that plan was not long followed, and it was left entirely to Congress to tax the people either directly or indirectly, or upon their goods; but it was specially provided that all parts of the country should pay just the same taxes. In this way all taxes are

Taxation  
and repre-  
sentation.

Equality  
of taxa-  
tion.  
Art. 1, §8.

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\* Direct taxes are those laid upon persons and land.

evenly distributed; no tax is laid upon the people except such as the people themselves decide upon through their representatives; there is no opportunity for the government to lay taxes and take the money for its own benefit. "No taxation without representation," cried our fathers, and we enjoy the fruit of their labor and suffering.

It is further declared that whenever direct taxes are imposed they must always be assessed <sup>Further provisions.</sup> <sub>Art. 1, § 9,</sub> equally according to the number of inhabitants, as originally regulated. <sub>cl. 4.</sub> Congress is forbidden to lay any taxes whatever upon <sub>cl. 5.</sub> articles going out of the country, so that we may trade in other lands as much and as far as <sub>cl. 6.</sub> we can. No duties may be laid on our internal commerce, but all the ports of the land must be free to all our ships, and in no way may any one harbor receive any privilege above the rest.

If, in any emergency, sufficient money for the <sup>Power to borrow money.</sup> <sub>Art. 1, § 8,</sub> support of the government cannot be raised in any or all of these ways, or if a <sub>cl. 2.</sub> sudden necessity cannot wait for the slow operation of taxes, Congress is given power to borrow money on the credit of the United States, and it is a proud thought how sure and safe that

credit is, so that our bonds are everywhere eagerly sought.

Congress is to promote the trade and commerce of the nation, regulating its operations <sup>Regulate commerce.</sup> between the States, making commercial <sup>Cl. 3.</sup> treaties with foreign lands, and, in any way that seems good to itself, fostering our national prosperity. Our international relations in times of peace as well as war are thus delivered to the people.

Congress is also charged with the duty of receiving the new citizen from foreign lands, <sup>Naturalization and bank-ruptcy.</sup> and settling the conditions requisite to his being naturalized, or securing the rights and privileges of a natural born citizen. And to this body is given the power to make one bankrupt law for the whole country, that the rights of the debtor may be everywhere protected.

Congress is empowered to decide how much and what kind of coins and bills shall be issued, and may provide measures to prevent counterfeiting this currency. The money of a country always represents its power in a peculiar sense. It is a last sign of independence when a nation issues its own coin stamped with its own device, for tributary countries must use the money

<sup>Coinage, counterfeiting.</sup>  
Cl. 5, 6.

of their conquerors. Much history is to be read in ancient coins, which mark the power of one ruler after another, in a land; for the right of coinage belongs especially to the sovereign, and its device always bears reference to him, as English money is marked with the head of the sovereign queen, and certain French coins were called Napoleons, from the emperor who issued them stamped with his likeness. This fact gives the significance to the provision that *Congress*—not the President—shall coin our money. The people are sovereign in this country, they issue our coins, and in all the markets of the world the very money of the United States shows that its people rule the nation. The dollar, our unit of value, or the coin by which we count, is marked with the figure of Liberty, and the eagle which is our national device; and the motto is that of the great family of States, “E pluribus unum.”

The regulation of weights and measures is a provision necessary to the business of the land. As we must needs count by one coin, everywhere, so we must needs everywhere measure by one standard, or a hopeless confusion will result.

The convenience of the people must also be

considered, and, to further that, post offices and post roads are to be established. At <sup>Post offices and post roads.</sup> **Cl. 7.** first it may not clearly appear why this particular power was given to the nation, but the nature of the service required it. The post roads traverse many States, and the mails, which are sent from one end of the land to the other, must be managed by one central hand, if safety and despatch are to be considered.

The power to fight and the opportunity to trade are not all that makes a nation prosperous, nor are they all that make it great. **Cl. 8.** Congress is directed to promote science and useful arts, to protect inventors and authors, in order that we may grow and develop our gifts, to the end that skill and learning may find that shelter under which they thrive.

Congress is also directed to guard and secure the rights of the people, that these various <sup>To establish courts.</sup> **Cl. 9.** interests may be pursued unmolested, by establishing the necessary courts.

It is the further duty of Congress to provide for the peace and safety of the country, a <sup>International relations.</sup> **Cl. 10.** matter which certainly especially concerns the nation. This is a subject which stretches over many points, all of which are put in charge

of Congress, that the people may decide for themselves upon the proper conduct of these affairs. Offences against the peaceable relations of nations, both those that endanger commerce and trade (such as piracies), and those that offend against more purely political rights, are put in their care.

<sup>war pow-</sup> It is Congress also which may declare <sup>ers.</sup>

**Cl. 11.** war, and here again is a silent witness to popular rule. The President cannot make war whenever it may suit him. It is the duty of the sovereign to protect his domain, and the right to fight is the right of a ruler. So it is the people of the United States who declare war, and who hold in their own hands this and all other rights of a ruler. Congress may not only declare war (without which formality no serious conflict is undertaken), but it may regulate the rules of con-

**Cl. 12-14.** ducting such warfare; it has the power to

raise armies on both land and sea; to control these forces; to support them; to create

**Cl. 15, 16.** a militia or citizen soldiery, and, under certain circumstances, to call this force

into action. One single restriction is put upon this great war power, but it is one that

**Cl. 12.** touches its vital point. The money to support the army must be supplied anew every

two years. Each new Congress, fresh from the people, must decide for itself whether the army is obeying its wish; for money is the food of war, and if Congress wishes to cease fighting it has only to stop appropriating the necessary money. Or, if in time of peace it should seem good unto the army to establish a ruler of its own, and, rallying around him, give an emperor to our nation, they must first destroy Congress, or that body will speedily stop the money to feed and clothe this usurping power. Dangers such as these are provided against by prohibiting permanent support to the army and navy.

Congress is to exercise entire control over that portion of the United States in which the Capitol is located, and of all lands bought by the government for the erection of its own forts, arsenals, and other military and civil buildings.

Thus Congress is given power to raise money for the support of the government; to issue the coin of the land, which is the token of the continuance of the government; to protect and defend the nation in war; to promote its commercial and business relations at home and abroad; to further its growth and

Controls  
all govern-  
ment prop-  
erty.  
Cl. 17.

Synopsis  
of power  
of Con-  
gress.

development; to gain new citizens; to maintain justice in all its borders; and these powers, which are the principal duties of all government, belong to the people of the United States.

This great responsibility and tremendous power are sustained and enforced by the authority to make such laws as shall be necessary or proper to carry out these and all other provisions of the Constitution.

This right to do anything and everything is as dangerous as it is great, and it is necessary as well as wise that it shall not be unlimited. Lest it may be improperly used, various restrictions are put upon it, and Congress is expressly forbidden to do certain things.

\* First of all, it may not interfere with the personal liberty of the citizen, unless he is a criminal. It is expressly provided that (except in case of war) every man shall have the right to his own body, or the liberty of his own person, unless it can be shown that he has committed a crime. If a man is illegally imprisoned, he must be immediately released upon the presentation of a paper called a writ of habeas corpus.

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\* The consideration of the first clause of this section has been omitted, it has been so long obsolete.

Powers enforced.  
Cl. 18.

Powers denied to  
Congress.  
Art. 1, § 9.

Writ of  
habeas corpus.  
Art. 1, § 9.

This paper is issued by certain prescribed officers, and it may not be refused to any man, unless, as has been said, he is duly charged with a crime. It altogether prevents imprisonment for political purposes only, and for want of such a law much tyranny has flourished in other countries. When this privilege is suspended, there is no way of hindering the imprisonment of any one whom the authorities may wish to put out of their way. In order to secure the priceless possession of liberty of person to all our citizens, the Constitution prohibits the suspension of this writ except in case of war. This has happened but once,—in 1863,—when it became necessary during the Civil War; but at that time the suspension was restricted to localities actually in a state of war.

It is also provided that Congress shall not pass bills of attainder. This was for a long time a favorite means with the English government of oppressing its subjects. A “bill of attainder” was an act of Parliament by which a man was declared a traitor, and made to forfeit his property, his liberty, and probably his life, without any legal trial. Nor did his punishment stop here. His children were cut off from inheriting any property which

Bills of attainder.  
Art. 1, § 9.

See also  
Art. 3, § 3,  
cl. 2.

they were entitled to receive through their father, because "the blood" was declared "attainted." Such great injustice as this can never happen in our country. The question came up in many forms during the Rebellion, but the only punishments inflicted for that treason were loss of personal liberty during the war itself, and, since its close, a brief loss of the right to vote and hold office. Property belonging to the rebels was "confiscated" (or seized), but was always held under forms of law, and never after the death of its original owner, on account of the provisions of the Constitution.

Congress is also prohibited from changing the law about a crime after it is committed.

*Ex post facto laws.* If a man has been charged with a crime <sup>Art. 1, § 9.</sup> for which there is a fixed penalty, Congress cannot increase the punishment of that criminal. A man has a right to know what consequences he is risking by his acts, even when he commits a crime. Such laws are known as *ex post facto* laws, that is, created after the crime is committed.\*

The Constitution also forbids the government to grant any titles of nobility. In the *Titles of nobility.* <sup>Art. 1, § 9.</sup> early history of the country there was much talk of making dukes and lords and

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\* For clauses four, five, and six, Section 9, see page 104.

other nobles from among the officers of the Revolutionary army, and to hinder any such schemes it was expressly forbidden. Under the law of the United States, all men are equal as well as free, and no one can claim any advantage above his fellows on account of any position granted him by the government. It is only possible for a man to gain position in this country because the people have chosen that he shall occupy it, and no position will last after they have changed their minds and chosen some one else. To make this doubly certain, no man who is an officer of the government can receive such a title, or even a trifling present from a foreign government which may chance to be grateful to him, unless Congress specially allows him to do so. There are still lying in the Treasury, beautiful jewels which were presented by an oriental ruler to President Van Buren, and there are in the National Museum magnificent swords, china, and other beautiful gifts, which have been presented to different officers of the United States from time to time, and by them delivered to the government. Occasionally Congress passes a special act to enable some individual to keep such a gift, as when Colonel Fox was allowed to keep the snuff-box given him by the Czar.

No official (nor, of course, any other person) may draw money from the Treasury, except according to the regular appropriations, thus making it sure that nothing is done by our government or our officers except according to the direction of the people speaking through Congress or under the laws they have made. Of course, officials cannot act on their own responsibility, since they must first get authority for the money they wish to spend, or run the risk of its refusal if the action does not prove satisfactory to Congress. This provision very effectually checks any rash action on the part of government officers; and as the accounts of the receipts and expenditures of the public money must be published from time to time, the people have every opportunity to see how their money is spent, and to judge if there is extravagance or parsimony in the administration of our affairs.

In order to make it absolutely certain that the Constitution shall be the law of the whole land, many of the powers which are granted to Congress are expressly denied to the States. No State by itself can enter into relations with a foreign nation by making a treaty or engaging in an alliance or confederation with it. Nor

Powers denied the States.

Art. 1, § 10.

can any State enter into such relations with any other State. It may not undertake operations likely to bring about a war; and, to make this sure, it is even forbidden to keep troops or ships of war in times of peace, without the consent of Congress; or to engage in any war, unless the danger is so very pressing that no delay is possible. Much restriction is also placed on their commercial affairs, so that no State can raise money for these purposes. No State may take to itself the privilege of a nation and issue its own coin. And no State may contradict the Constitution by passing bills of attainder and *ex post facto* laws; by allowing its contracts to be disregarded; nor by granting titles of nobility; nor can it require its citizens to take any money but gold or silver in payment of their debts. The money powers, like the war powers, belong to the nation, and the States may not take possession of either.

Thus the powers of Congress were carefully defined; a limit was put upon them, when they seemed likely to interfere with the rights of the free citizen; and they were freshly asserted against any dispute by the States in an express denial to those States of such of these rights as were most open to infringement.

## CHAPTER IV.

### METHODS AND CUSTOMS OF THE HOUSE OF REPRESENTATIVES.

THOSE paragraphs of our Constitution which define the rights and powers of Congress are only a part of the law relating to it. Its duties and its methods, if not of equal value, are of supreme interest to the people whom it governs.

The sessions of Congress are held in a building erected for that purpose,—the Capitol at Washington; and although very large, it is intended for nothing but the business of the national legislature. It is built of white marble, and stands on a hill which overlooks the city itself, the winding Potomac, and the heights of Virginia beyond. The long and somewhat narrow central portion of the building stretches out on either hand to an immense wing, quite as large as the original structure: Over the whole a vast dome rises into the air, crowned with a bronze statue of Liberty,

who seems to look down upon a nation at her feet. As this great senate-house of freedom glistens in the brilliant southern sun, it may be seen from all the country round, and is a most impressive reminder of the value we set upon our institutions, the union of law and popular government which we hold dear.

In the southern wing is the special hall for the meetings of the House of Representatives; and in the northern wing is the exactly similar but smaller hall for the meetings of the Senate. The rest of the building is occupied, for the most part, by the lesser rooms, offices, and other apartments necessary to carry on the business of Congress. In common speech, the room where the House of Representatives meets is called the Representatives' Hall, and the one used by the Senate, the Senate Chamber. These halls are furnished with chairs and desks for the use of the congressmen. Settees, or "benches," have been sometimes used, as in England, but desks have taken their place, giving the congressmen an opportunity to write, and a receptacle for books and papers. The halls are very handsome in all their appointments, and both have ceilings of glass, to give them sufficient light, as they do not open outside at all, but are

entirely surrounded by vestibules and other rooms. In the House of Representatives, the panels of this ceiling are painted with the coats of arms of all the States. In the Senate, the designs are symbolical, as Agriculture, Commerce, Liberty.

The Capitol was at first much smaller than now. Its older portion contains the two halls originally used by Congress. One, the old Senate Chamber, is now used by the Supreme Court; the other, the old House of Representatives, contains portrait statues of our great men, each State sending statues of two of its most distinguished sons. There is much of the interior of the Capitol which is very beautiful, and it contains many objects of great interest. Staircases, pillars, and walls, are made of the different marbles of our country, specimens, it is said, of every variety discovered here; there is much fine work in bronze, and in many places, especially in the rotunda under the dome, the walls are hung with pictures representing national scenes. On one of the lower stories is a white marble star in the floor, near the centre of the building, which marks the meridian of Washington. It is also worth noticing that near an entrance—now quite inconspicuous, but once the main door to the Senate—are several pillars by which Presi-

dent Jefferson tried to introduce an American style of architecture. These pillars, which are of white marble, represent stalks of sugar cane bound around with hempen rope. The capitals are composed of ears of Indian corn. These are probably the only pillars of this style ever made.

At the present time, the Capitol contains a general national library. It was at first intended particularly for the convenience of Congress, and was therefore placed in this building. It has now grown so large, and become so extremely valuable, that it needs, and probably will soon have, a separate building.

When a Congress meets, its first business is to get ready to work. This process differs in the two Houses. In the House of Representatives, it is quite a complicated and important matter. A roll, or list, of the members who have been chosen to compose this body has already been made out by the Clerk of the last House. This includes the name of every man who has received the certificate from the authorities of his own State declaring him elected. If the right of any of these men to the seat in Congress is disputed, the House decides that question afterwards; but, until it is decided, the man having the

Organization of the House of Representatives.

certificate is just as much a member of the House as if there were no dispute about it.

When these men have answered to their names, <sup>Officers.</sup> they proceed to vote for their officers.

These officers are a Speaker, who is one of themselves, a Clerk, a Sergeant-at-Arms, a Door-keeper, a Postmaster, and a Chaplain. All but the Speaker are chosen from outside the congressmen, any competent person being eligible. The Clerk

<sup>The Clerk.</sup> takes charge of all the business done, that is, keeps it in order. He makes out the roll of the members, he takes charge of the bills, keeps a list of them, sees that they are ready for action when wanted, or properly disposed of when they become laws, and has many similar duties. He appoints his assistants, and pays their regular salary to those persons employed by the House of Representatives to attend to its work. Thus, in general terms, he has the management of the domestic affairs of this House of Congress, though he has no connection whatever with making the laws, not being himself a representative.

The Sergeant-at-Arms is the military or police <sup>The Sergeant-at-Arms.</sup> officer of the House. He represents the power of that body. What he does is considered as done by the House itself, and, if

he is not obeyed, the power of the government will stand behind him to help him. For instance, when the House is in session, if there is not a quorum present (the particular number of members necessary to do business) he is often sent after the absent members. When he comes for them they are under arrest, and are obliged to go at once, even if it is in the middle of the night, or if they are a thousand miles away from Washington. Once President Buchanan gave a dinner party, to which he invited many congressmen, but the House of Representatives was in session at the very hour of the dinner. Now it happened that at this time Congress and the President were at difference, and, in order to annoy the President, the House ordered the Sergeant-at-Arms to bring back its absent members, and all the gentlemen were hurried away from the dinner party! When Congress sits all night, the members frequently go home, and they are often called out of their beds, and brought to their places at the Capitol half asleep. Always on these occasions the delinquents are requested to give a public excuse for their absence before they can vote. Very funny reasons are occasionally given by men who have no real excuses.

Whenever the House is in session, the Sergeant-at-Arms sits in a chair facing the members, to see that good order is preserved. Behind his chair

<sup>The Mace.</sup> stands a tall slender column called the

“mace,” which is the symbol that shows the power of the Representatives. The mace itself is a column about three feet high, similar to the Roman fasces. It is made of ebony sticks bound round with thin bands of silver tied in a bow-knot at the top. Each of these ebony sticks ends in a spear head. Rising just above these spear heads, supported by a short stem, is a small silver globe, upon which rests a silver eagle with extended wings. This column rests on a marble standard which raises it to the height of six feet or more, but it is taken off this standard when it is necessary to use it, and is always taken down when the House is not in session. Whenever a disturbance arises among the members violent enough to promise an outbreak, the Sergeant-at-Arms takes down the mace and carries it into the midst of the quarrel. The sight of it usually has a great effect, because of the power it represents. One of the other duties of the Sergeant-at-Arms, which is of a more peaceful nature, is to pay the salaries of the congressmen.

The Doorkeeper takes charge of all the furniture of the Representatives' Hall, and during the session of the House he keeps the room clear of every one who has not the right, according to strict rule, to be present; but this includes more than three hundred members and nearly as many other persons, as the list embraces all who now belong to either branch of Congress or ever have done so, all the officers of that body, and a number of high officials. The Doorkeeper also controls the galleries where the public may listen to the debates. In England this is quite an important liberty, granted only to a few privileged persons, but in this country we believe it to be the right of the people to know what goes on in their own Congress, and that the congressmen will be much more careful of their speech and action if they know it is in the presence of the public.

The Clerk takes care of the business of the House, the Sergeant-at-arms represents its power and authority, and the Doorkeeper has charge of the rooms where the sessions are held. There is also a Postmaster, who keeps a special post-office for the use of the congressmen. All these officers can appoint a certain number of assistants.

Door-  
keeper.

Post-  
master.

A Chaplain opens the session each day with <sup>chaplain.</sup> prayer. It was once the custom that he should also preach on Sundays, but this has been given up, and now his only duties are to conduct prayers each day, and to attend the funerals of congressmen who die in Washington. This officer is elected by the House, like the others, usually from among the clergymen of the city.

The principal officer of the House of Representatives is the Speaker. <sup>Speaker.</sup> He is a very important person indeed. The Speaker is chosen by the representatives of the people to be their head, and is therefore sometimes considered the greatest officer of the republic after the President. He is not so important an officer as formerly, however, in one respect. He was for a time the third in succession to the Presidency, following the Vice-President and President of the Senate. That succession now falls to the Cabinet; but the Speaker still has much influence upon the work of Congress. The Speaker represents the House of Representatives on all official occasions, and his place is next the Vice-President. He gets his title of Speaker from the fact that he speaks for the House on all state occasions, and in England,

in old times, particularly in answer to the King when he addressed the House of Commons. No such ceremony occurs in that country at the present time, and we never had anything like it, but the title remains both there and here. Many customs of our Congress came from Parliament, but the circumstances are so different that few are copied exactly.

The desks of the congressmen are arranged in a semicircle. In the open space left by the half circle of seats, facing the members of Congress, is a high marble platform, in three tiers. On the highest of these steps is the Speaker's chair, with the flag of the United States draped above it. Just below him is a long desk, at which sit the various clerks of the House, and below them another longer desk (these are all of marble) for the reporters who write out the proceedings. The members select their seats at the beginning of each session, by lot, as some are much more desirable than others. The congressmen stand in a crowd outside the seats. Their names are all put into a box, and a blindfolded boy draws them out one at a time. As soon as a man's name is drawn he chooses his seat and sits down, the best seats being those in front of the Speaker, and in the middle

Arrange-  
ment of  
seats.

row. This is always an occasion of much excitement and sport. In Congress, as in all our political affairs, men are divided into parties, and by a sort of common consent, the Democratic members always sit on one side of the hall, and the Republicans on the other side. Usually one or two of the best seats are reserved by vote of the House for men to whom they wish to pay the courtesy of special distinction.

The first business of the House of Representatives, when it comes together, as has been said, is to vote for its officers, beginning with the Speaker.

<sup>Election of Speaker.</sup> There is often much excitement over his election, and sometimes a long delay.

The Clerk of the last House presides over the

<sup>Clerk presides previously.</sup> House until the election is completed. In

the 34th Congress, Speaker Banks was chosen on the second day of February, 1856, and again in 1860, the 36th Congress could not succeed in electing a Speaker for two months, until, on the first of February, they chose William Pennington of New Jersey. As soon as all the officers are chosen, the congressman who has been a member of the House for the longest time, familiarly called the "father of the House," administers the oath to the Speaker. This is done as everywhere,

the officer holding up his right hand while he listens to the reading, and assenting by bowing his head. In this oath he swears that by the help of God he will support the government loyally, and perform the duties of his office faithfully. After this the Speaker administers the oath to the other officers of the House, and to all the congressmen — those from each State appearing before him together — and then business is at once begun.

Most of this business is first considered in committees, which are small bodies of congressmen who meet by themselves and consider matters of a certain kind. These committees are arranged by the Speaker, and thus he gets much of his power. He selects certain men to consider all matters relating to the spending of money, and this group of men is called the Committee of Appropriations. Other men are chosen to decide upon the way of getting the money to spend by various means, such as taxes and tariff. This body is called the Committee of Ways and Means, and its chairman or head is a very important person. The management of much of the business of Congress is given to him — not only that which belongs to his own committee, but many other matters which

*Oaths of Office.*

*Committees.*

fall to his charge when debated in the House. There are also committees to hear the evidence about disputed elections, and inform the House which man was really elected; to look over the claims of soldiers for pensions; and to examine every subject which comes into the business of Congress. These committees have rooms in the Capitol, and meet often, some of them every day. Whatever business relates to their department is then looked into and decided upon. They consider and write out all the laws, even the constitutional amendments which change the Constitution itself being treated in this way. These matters are first brought to the attention of Congress by some member, and then referred to the proper committee for consideration, which greatly expedites business. The plan of shaping legislation in committees is obviously a great convenience. It saves much time and trouble, and allows each measure to be examined with much more care. But it is also easy to see that the Speaker, who selects the men to consider each subject, has great power over the business of the country. He can do much to alter the whole system of taxation, for instance, by appointing a committee on that subject the most of whom hold the views he prefers; or he can cause

a bad measure to be favorably received, by appointing a committee who are nearly all on that side of the question; or a good measure may be favored the same way. Thus his power appears. As soon as a definite plan is decided upon in any committee, some member of it brings in a bill proposing to do certain things. This is debated and voted upon by the House, but, though the bill is usually altered somewhat, great influence is always given to the conclusion favored by the committee. And in many cases this decides the matter entirely, Congress voting whatever the committee approves.

All the laws by which the money is raised from the country must originate in the House of Representatives, and this is a matter of enough importance to be a provision of the Constitution. The object is to give the real control of our affairs more closely to the people. Even if the President and senators together should try to make war or to manage the government to suit themselves, against the wishes of the country, the people could easily stop it, simply by the refusal of the House of Representatives to vote the necessary money. This is called “stopping the supplies,” and it is of course a tre-

Bills for  
revenue  
originate  
with the  
Representatives.

Art. 1, § 7.

mendous power. It is plain that it is of greatest importance that this power should be in the hands of the representatives, for thus the government itself is completely in the power of the people. But stopping the government is so serious a matter that it is never likely to be done without very grave cause. It has been sometimes threatened, but never actually attempted by that method in this country, but the English House of Commons were several times, in the past, obliged to thus check their King.

The debates of Congress upon the measures before it are sometimes very interesting. <sup>Rules of debate.</sup> They are carried on according to special rules established by each branch for itself, which are complicated and difficult to understand. Those of the House of Representatives are especially elaborate. The members are obliged to keep a kind of order in their debate, even when they are most excited. When a man wishes to speak, he <sup>Recognizing a member.</sup> calls out "Mr. Speaker," but he cannot go on until the Speaker recognizes him. That officer does not call the member by name, but designates him by the State from which he came. Thus when General Garfield called out "Mr. Speaker," Mr. Blaine would recognize him by say-

ing, "The gentleman from Ohio has the floor." After this no one could speak until General Garfield had finished, unless he allowed himself to be interrupted. But in that case Mr. Randall (or any other gentleman who wished to interrupt) must call out, "Mr. Speaker," and Mr. Blaine would inquire, "Does the gentleman from Ohio yield to the gentleman from Pennsylvania?" Whether Mr. Randall was allowed to ask his question or not, depended on the willingness of General Garfield to allow him to do so. Sometimes a man's time is so precious he will not allow himself to be interrupted at all. The length of time which one man may occupy is arranged according to the rules. Sometimes each member may speak only five minutes, but again he may speak an hour or even longer: and there are other special arrangements as to the manner and time of these speeches. This is another way in which the Speaker has a great deal of power. He is supposed to allow men to speak in the order in which they call for that privilege, but it constantly happens that a great many persons are calling to him at once, and he must decide between them. It frequently makes a great difference who speaks on any subject.

The confusion in the House of Representatives

is often very great, especially in times of excitement over an important question, and it is part of the Speaker's duty to keep order. This he does by striking the desk before him with a small mallet, called a gavel, and requesting the congressmen to attend. He sometimes finds it necessary to pound with some violence before the House will listen to what he says.

At any time, if it seems desirable to put a limit to the debate, there is a valuable provision Previous question. for this purpose, among the rules of the House, called "ordering the previous question." At the request of any member, the House may be asked to vote whether they will do this or not. If the majority agree, and the previous question is ordered, debate must stop immediately. If it were not for this rule, probably there never would be any end to the speech-making!

On Fridays are considered private bills, or business of private individuals with the government. These are mostly claims for money.

On Mondays there are certain peculiar privileges in reference to the business done, and there are various days and methods by which special work is done at special times, or particular opportunity offered for the better consideration of certain

classes of affairs. Different kinds of business are also considered according to different methods. Money bills have a certain kind of preference over others, and they are debated in accordance with quite different rules. A list of business is made in the order in which it has been presented. This is called the calendar, and while a great many subjects are suggested and put into this list, they must be considered (with some special exceptions) in their order. As some of them are very important, all the time will probably be spent in debating those, and consequently the others will be left forever on the list, and never be acted upon. There are, therefore, certain methods by which a subject can be considered out of its turn, or an entirely new matter taken up.

After any question has been debated as long as the House chooses, it is voted upon. This is done in several ways. The Speaker "puts the question," or asks the House to vote on the matter under consideration. He must always rise to do this. He first states the question, or, if it is a very long one, asks the Clerk to read it. He then asks all those in favor of the bill to say "Aye," and then Viva voce. The question. Methods of voting.

all those who are opposed to it to say "No," and he decides by the sound which side includes the most men. This is a very uncertain method unless there is a great difference between the two sides. According to another method, or if there was any uncertainty in the first vote, the Speaker

asks the men on each side to stand up and Division.

be counted, one side after the other. Still another way, very pretty to see, is called voting

Tellers. by "tellers." The Speaker selects two

men, one on each side of the question, to count all the members. These two men go into the open space before the Speaker, and the members pass between them to be counted. First those men in favor of the question file past, and they tell off or count each one, touching him on the back. They then count all those opposed to the question in the same manner, and report to the Speaker how many are on each side.

All these methods record how many wish a bill passed, but none of them record the opinion of each man. Therefore, on all important subjects,

Calling the roll. or on any subject, no matter how trifling,

whenever one fifth of the members wish it, the roll is called. The Clerk calls out in a loud tone the names of the members, reading from an

alphabetical list, and each man, as he hears his name, answers "Aye" or "No." The Clerk then counts up the whole number, and reports the result to the Speaker, who announces it as in the other cases. This roll is now so long that it takes nearly three quarters of an hour to call it over. Any member can move that the vote shall be taken any of these ways. Often when, for any <sup>Filibuster-</sup> reason, a man wishes to hinder action on some measure he does not like, he will insist on having the roll called, and if he can get one fifth of his associates to agree with him, it must be done. When different men continue to do this,—as soon as one roll-call is ended another man insisting on beginning it again on some other trifling point,—it is called "filibustering." A motion to adjourn is the favorite motion by which to repeat the roll-call, because the rules will allow anyone to make such a motion at any time. The purpose of such a curious proceeding is of course to obstruct the business, or prevent the consideration of some bill, and it often serves its purpose very effectually by using up all the time in which the obnoxious bill could be considered. Occasionally a small minority who are bitterly opposed to a measure will succeed in defeating it in this way,

even when the majority wish to pass it. When filibustering is kept up for hours, or all night, it becomes exceedingly tedious.

The Speaker does not always vote. He must do so in those few cases where the vote is taken by *ballots*, but in point of fact there has been no such occasion for many years, and he must always vote when his vote would decide the question. This is different from voting only when there is a tie.\* The Speaker also votes when his vote would make a tie, and a tie vote defeats the motion. He also votes if his vote would make two thirds, when that number is required to pass a bill, as is provided in some cases. In 1803, Speaker Macon voted on the twelfth amendment to the Constitution, against much opposition, and by his vote (making the necessary two thirds in its favor) carried this important measure. As the Speaker is a member of the House of Representatives, it is impossible to prevent his voting if he insists upon it, but by custom he seldom exercises the privilege except when it is necessary to decide the question. Then he must vote.

Thus all questions are decided by the wishes of

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\* A tie is when exactly one half the votes are on one side and exactly one half on the other.

the majority of the members, and every opportunity is given for previous argument, and amendment of the bills. Some are so arranged as to be debated three or four times over.

There is one class of congressmen, however, who can debate any question, but who do not vote at all. These are the delegates from the Territories. Each Territory sends one delegate, so that it shall not be altogether unrepresented, but as he does not come from any State he cannot vote.

A journal or account of what is done is written every day by the Clerk, and read and approved the next morning at the opening of the session, so that no secret business may be transacted. Besides this, an official newspaper is published daily, containing every word that was uttered the day before, in both the House and the Senate, so that all the actions of Congress are as public as possible.

No business can be done by either House of Congress unless a quorum is present, and a quorum is defined by the Constitution to be a majority, or more than half the members. A few of the members cannot get together and pass some bill which is opposed by the rest. At

<sup>Delegates.</sup>

<sup>Journal.</sup>

<sup>Art. 1, § 5.</sup>

<sup>Quorum.</sup>

<sup>Art. 1, § 5.</sup>

present a quorum of the House of Representatives is one hundred and sixty-three, but if fifteen of them are there at any time when the House should be in session, they can send the Sergeant-at-Arms after enough men to make a quorum, so that business can be done. Or, if they prefer, they can do as much business as is included in the process of adjournment.

## CHAPTER V.

### METHODS AND CUSTOMS OF THE SENATE.

The Senate differs somewhat from the House in its organization, or the arrangement of its officers. In the first place it has only one in three new members at the beginning of each Congress. Then by a provision of the Constitution, it is presided over by the Vice-President of the United States. The other officers of the Senate are the Secretary, the Sergeant-at-Arms, the Chaplain, the Postmaster, and the Librarian. The Secretary keeps the records of the Senate and has the control of its business, his office being much like that of the Clerk of the House of Representatives, with the additional duty of paying the senators. He records the votes, reads bills to the Senate, and performs many other similar duties, various clerks under him being appointed to take charge

Organization of Senate. Art. 1, § 3.  
Officers of Senate.  
Secretary.

of the various departments of his work. The Sergeant-at-Arms represents the power of the Senate, just as a similar officer in the House of Representatives represents that body. Unlike that officer, however, he has also control of the different doorkeepers of the Senate, but otherwise his duties are exactly similar to those of the like officer of the House, which is also true of the Postmaster, Librarian, and Chaplain. The Senate may choose these officers at any time, and, as they have a good deal of power, and the situations are of some importance, the election sometimes occasions quite a contest. The assistant doorkeeper at this time, Mr. Isaac Bassett, has been in the service of the Senate for more than fifty years, beginning as a page when he was only a boy.

The senators sit at desks arranged in a semi-circle, as in the House of Representatives, but they select their seats in a quieter manner, though according to a custom equally curious. A new senator may take any seat which may happen to be vacant, always of course, one of the poorest positions. But if he—or any one else—fancies a seat belonging to some other senator, he simply puts his name down in a book

kept for that purpose. As soon as this seat becomes vacant (by the final departure of its occupant) it is given to the man whose name is first on this list as applying for that seat.

The Vice-President sits (as does the Speaker) on a raised platform facing the Senators, <sup>Vice-President's</sup> but there is only one long desk below him, <sup>seat.</sup> which is devoted to the Secretary of the Senate. The two official reporters of the Senate sit at small desks on either side of the dais.

When the Senate meets on the first day of a new Congress, those senators who are newly elected take the oath of office. The new <sup>Senators</sup> <sup>take oath.</sup> senator is presented at the desk of the Vice-President by his associate from the same State, and there swears to support the Constitution and the laws, taking the oath (like all other officials) in such form as he wishes. After the opening of the Senate, the committees are arranged, but this is not done as in the House. The Senate is much afraid its dignity will be disturbed, and is extremely particular that no one shall interfere with its affairs. The Vice-President not being one of themselves, they would object to leaving this matter to him, consequently it is put in the hands of a special committee made <sup>Committees.</sup>

up from among their own number. As the Senate lasts from year to year, its committees are never all new, but new members are added every Congress, to take the place of those who have left, a re-arrangement being made to allow of this. It is an almost invariable rule, however, that the senator who has been longest on any committee is made its chairman, and when he leaves the Senate (or as occasionally happens, when he goes to some other committee) the next man on the list takes his place. The Senate has many little customs of this nature, relating to its manner of doing business, of which it is very tenacious, and it is hardly possible to alter or disregard these habits, it is such a conservative body.

After the committees are arranged, business goes on in much the same way as in the House of Representatives, but the rules governing the debate are somewhat different. One important point is in relation to the length of speeches. A senator may talk as long as he wishes, and there is no way to stop him. This privilege of speaking as long as they choose seems very desirable to the senators, and to be a part of their liberty of action. At one time Henry Clay tried to persuade the Senate to make a rule by which

Rules of debate.

the debate could be stopped. The majority proposed to adopt it, but the minority felt their rights to be so abused that they threatened to fight, or, as they said, to defend their freedom of speech "with their lives," if this rule was carried out, and for the sake of peace the hateful measure was withdrawn. Since then no attempt is ever made to cut short the speaking in the Senate, except by one indirect method. The senators sometimes unanimously agree to vote upon a particular bill at a given time in the future, and in that way, by courtesy, end the debate upon it. This liberty of unlimited debate gives a great opportunity for various plans of defeating a measure. Senators have sometimes banded together to talk all the time until the day which had been fixed to adjourn, in order to prevent the consideration of some bill they did not like, and were only prevented from thus obstructing business by an agreement to satisfy them. This was the very plan lately pursued by the Irish members of Parliament to force attention to the affairs of their country, until the House of Commons adopted an awkward and arbitrary method of stopping debate, thus bringing about the very interference with freedom of speech which the Senate feared so much in the

time of Mr. Clay. The "previous question" of our own House of Representatives is perfectly just, because it is first agreed to by that body on each occasion. It also has certain restrictions intended to make it more fair in its operation.

The debates in the Senate are often very tedious, Methods of business. and are seldom as interesting as in the House. But on the other hand, as there are only seventy-six senators, the Senate Chamber is much the quieter place, and a visitor can enjoy listening much better. Bills go through much the same process as in the other branch of Congress, being first introduced, then referred to a committee, considered by that committee, reported to the Senate, debated there, and at last voted upon.

Senators vote in just the same manner as other congressmen, except that they never have Voting. "tellers." All their other methods of voting are the same. The Vice-President does not vote at all, however, except when there is a tie. As he has not been chosen by any State to represent it there, he cannot vote, unless it is necessary to decide a point, and then only in the single case of an exactly equal division of the senators.

Of course this officer cannot always be present

in his chair, and if he becomes President, he ceases altogether to preside. The Senate, therefore, elects a president *pro tempore*, who holds the office until the Vice-President returns. When the Vice-President leaves the Senate, he requests that body to elect a temporary president. It is their custom to choose one of their number for this position at the beginning of the session, and always to elect him, whenever the occasion arises, to preside over the Senate until such time as the Vice-President shall return. As he is a member of the Senate itself, he of course votes on all questions that come before it, otherwise his State would lose one vote and half its power. Whenever, because there is no longer a Vice-President, the President of the Senate becomes a permanent officer, he is paid a larger salary, — eight thousand dollars instead of five thousand, — as his duties are considered more arduous than those of his associates.

A curious situation occurred during the year 1881. According to the law then in force, in case of the death of the President and Vice-President, the office of President devolved upon the President of the Senate. President Garfield was dead, and Vice-President Arthur had become President. Congress was not

President  
pro tem-  
pore.  
Art. 1, § 3.

Incident  
of the suc-  
cession.

in session, and the Senate had omitted to choose a president *pro tempore* before adjourning, while the House of Representatives, which was a new body, had never met, and of course had not elected a Speaker. Consequently, if President Arthur had died, there would have been no one to succeed him. The President immediately called an extra session of the Senate, so that it might elect a president *pro tempore* who should act as President if occasion required. There were several weeks, however, before this was done, when the country would have been without a chief executive in case of the death of President Arthur.

The Senate has some duties not connected at all with the House of Representatives. The President cannot appoint any person to one of the higher offices without the consent of the Senate. When he makes an appointment to any office except to those called inferior offices, he sends an announcement of that fact to the Senate, which decides the question of "confirming" the officer. It is one of the customs of the Senate to immediately confirm any person who has ever been a senator, who may be nominated for any office. Other nominations are often delayed or debated, and sometimes referred to a

Senate confirms appointments. Art. 2, § 2.

committee, but if this be done with the name of an ex-senator, it is intended to show a strong personal dislike to the man, and is very significant. When an appointment is sent to that body, <sup>Executive sessions.</sup> an executive session, or one to consider executive matters, is held. These are secret sessions, as it might greatly embarrass the President to allow the country to know why these officers were accepted or rejected. Nor would the senators express their opinions of a man freely, if all the country and the President were to hear next day what had been said. In order to make the Senate perfectly independent in this matter, the secrecy of these sessions is very strict; each senator takes a special oath not to reveal what is said or done there, no spectators are allowed, and a special clerk, who keeps the record, is also sworn to secrecy.

The Senate also considers in secret session the treaties we make with foreign powers. These treaties must be ratified by the Senate before they are valid, and although they become public as soon as determined, they are debated and voted upon in executive or secret session. This is lest our relations with other countries should be disturbed by the questions <sup>Consideration of treaties. Art. 2, § 2.</sup>

arising as to our interests. Of course we wish to consider our own side of the question in making bargains or agreements with foreign nations, and it is not always necessary to explain to them all we think about the matter. Therefore it is better not to consider such matters publicly. All the

The Senate opened to the public in 1795. sessions of the Senate were secret for the first five years. Several attempts were made to open its doors, but without success until December, 1795, since which time its meetings have been as public as those of the House, except when considering appointments or treaties.

The Senate also has the sole power to try impeachments,\* but all other business of Congress must be done by both Houses. It starts in either one (except in the case of bills to raise revenue), is debated and passed in that body where it originates, is sent to the other, and there debated. If it passes that body also, it goes directly to the President for signature, but, if altered at all, it goes back to the House where it originated, for more debate and another vote. Quite an interesting ceremony occurs when one House sends a bill to

The Senate has power to try impeachments. Art. 1, § 3.

Other business requires assent of both branches.

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\* See page 193.

the other. The Secretary of the Senate (if that is the branch in which the bill originated) takes the completed bill to the House. The Doorkeeper announces his presence and immediately proceeds to the door to meet him. The two officials stand there together while the Speaker interrupts the House in whatever business is going on. The Doorkeeper then announces "A message from the Senate of the United States," the Clerk takes charge of the bill, and the Secretary of the Senate bows to the House and leaves. A similar ceremony occurs in either House on the receipt of any message from the President.

Sometimes the two Houses cannot agree on certain points in a bill, and a conference committee, composed of members of both Houses, is appointed by the Speaker and the President of the Senate. This conference committee comes to some conclusion which they recommend, and the bill is again acted upon by both Houses. Their report is usually agreed to. The conferences are held over the money bills when the House and Senate differ obstinately. If other bills fail in consequence of a disagreement, it is of less consequence, but appropriations to carry on the government must be made, therefore a conference becomes

Conference  
commit-  
tees.

necessary to bring about some settlement. When at last (whether there is a conference or not) the bill has been passed in exactly the same shape by both Houses, it is sent to the President, who signs it, and it becomes a law.

There is, however, one chance more that it may be lost. If the President does not approve <sup>Veto.</sup> <sup>Art. 1, § 7.</sup> the measure, he can send it back again with a veto or refusal to sign it.\* Congress must then reconsider it, but it falls to the ground unless it can be passed the second time by a two-thirds vote of both Houses. There is a provision that the President must consider every bill within ten days of the time it reaches him, or it will become a law without his signature. But at the <sup>Pocketing a bill.</sup> very end of a session, if it is sent to him <sup>Art. 1, § 7.</sup> less than ten days before Congress adjourns, he may keep it, or put it in his pocket, as it were, and say nothing about it, in which case the bill is "pocketed," and never becomes a law.

Sometimes it happens that one branch will pass <sup>Unfinished business.</sup> a bill, and the other House will not take it up that year at all. The next year,

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\* See page 192.

*if it is the same Congress*, this bill need not go through that House again, but may begin where it left off. But if a new Congress has come in, all the business left unfinished by the last one falls to the ground and must be begun entirely afresh, for it may be that the country desired that very piece of business differently managed, and elected new congressmen for that express purpose. If, however, it is the same men who are to consider the subject, this unfinished business is taken up at that stage where it was left when the last session closed.

Among the privileges denied the original settlers of this country was the liberty to send <sup>Petitions.</sup> petitions to their rulers, asking such legis- <sup>Amend-  
ment I.</sup> lation as was necessary for their comfort and advantage. Consequently a provision was put in the Constitution that the right of petition never should be denied, and a part of the business of Congress is to receive these petitions on any subject. They may be sent either to the Senate or to the House. In the first body they are presented by the senator receiving them, with a short speech, and the President of the Senate refers them to some committee. In the House no public mention whatever is made of them, but the

member receiving one writes upon the back the name of the appropriate committee, and then puts it in a certain box on the Speaker's desk, from which it is taken to the committee mentioned. They are never acted upon any further in either House, and nothing is done with them in these committees. They have very little effect in any direction, and there is at the present time much difference of opinion whether they have sufficient influence to give them any value.

Both Houses of Congress meet exactly at twelve o'clock noon, except when they agree to meet at a different hour; each House sits till its members vote to adjourn, — usually about five or six o'clock. While they are in session flags float from the Capitol over each hall, and this flag is lowered on the adjournment of the particular body over which it waves. It occasionally happens that Congress will be very busy, and one or the other House will remain in session until after midnight. The journal, which records the debates, considers it one day until an adjournment. So if on Saturday the Senate (or the House) should continue in session until two or three o'clock next morning, Sunday would never appear on the record, but it would still be Saturday.

This sometimes happens at the end of the session, when there are only a few days in which to finish the business. It is called one legislative day from the beginning to the end of a single sitting of Congress, whether it is three hours or thirty. There might be a recess of a few hours, but until an adjournment it is still one day. Thus the third of July might be a very long day, succeeded on the record by the fifth, with nothing at all appearing there as done on the fourth of July.

Each House has not only its own special Hall, but many rooms for committees, <sup>Anterooms.</sup> reception rooms, and offices. There is a very handsome apartment near the House of Representatives for the use of the Speaker. Near the Senate is one for the use of the senators, one for the Vice-President, and one expressly for the President of the United States whenever business makes it necessary for him to be at the Capitol. On the last night of a session, as Congress always sits till morning, and so much must be done in a short time, the President usually remains at the Capitol all night to sign bills as fast as they are brought to him, that no time may be lost.

The large halls surrounding and between these rooms are called the lobbies. As no one can go on to the floor of the rooms where Congress meets, during its sessions, except those persons connected with it, whoever wishes to see a congressman on business must send a doorkeeper to request him to come out into the lobby. In this way the phrase "lobbying" has arisen, meaning the effort to interest or persuade a congressman on public matters. As wrong methods are sometimes used, the terms "lobbying" and "lobbyist" are considered quite disreputable; but this is obviously not just, the most of such business being necessary and quite proper. One man cannot know everything, and often matters come up before a congressman of which he is entirely ignorant. He is then desirous of having some authorized person explain the subject to him. When, for instance, a tariff bill is considered (by which the duties on foreign goods are arranged), the members of Congress who are framing it are very glad to hear from the manufacturers or their agents about the woollen, silk, and other industries, in order that the tariff may be suitably regulated. Or again, a person having a claim on the government wishes a bill passed to settle that

claim, but the congressman having the matter in charge is so busy he might forget to introduce this bill at the proper time, unless he was reminded of it. These and many other similar proceedings are not only proper, but often necessary. It is when bad men try to buy and sell the votes of congressmen, or to otherwise corruptly influence them, that lobbying becomes disreputable.

Both Houses have messenger boys called pages, who attend every session, and do all the errands of congressmen either in the <sup>Minor officials.</sup> Capitol building or out of it; and both have shorthand writers, called official stenographers, whose business it is to make an exact report of the debate. Each committee has a clerk, and there are many other officers of various kinds who help to carry on the business.

An office which comes under the general control of Congress is the Government Printing Office, although the Public Printer is <sup>Govern-  
ment print-  
ing office.</sup> appointed by the President. The daily newspaper containing the official report of Congress, now called "The Record," is printed in this office, as well as all other public documents, including the President's message. A bindery is connected

with it, and very beautiful work is sometimes done there.

As the whole object of the Congress is the *Synopsis of the making of laws*, let us render the doing of laws. this still more clear, by following the course of a single bill, and, in the process, some minor particulars of the methods of doing business, not before mentioned, will appear. It must be remembered that all the business goes through the same process; the slight differences arising from the nature of the business, as well as the minute particulars of the rules governing the debate, being of no interest or importance to the general reader. This bill we are considering is introduced by some member of the House of Representatives, and the Speaker of the House refers it, or directs that it shall be considered by the committee having such matters in charge. The Clerk of the House takes the paper on which the member has written the bill, and hands it to the clerk of that committee. In due time the committee consider the matter and decide what shall be done. If their decision is favorable, some member of the committee informs the House that the committee desire the passage of that bill, which is called reporting it. This is done at a certain time duly appointed for

such a purpose, different committees having different times. The Clerk takes the bill and has it printed, giving a copy to each congressman. He then reads it to the House three times on separate days. If there is any haste about the matter it may be read three times in one day; but if a single person objects, it must be read on separate days. After it has been read the second time, the House debates it, amendments are made and voted upon. It is then *engrossed* by the Clerk, that is "written out in a round hand" on a large sheet of paper. The Clerk then reads the bill the third time, and it is voted upon as a whole, as it has been amended by the votes of the majority, and passed. The Clerk then carries it to the Senate and formally announces that the House has passed this bill, and requests that it be concurred in by them. It is then referred by the President to the proper committee as in the House, and when it is reported by that committee, it is read twice by the Secretary on different days, and, after the second reading, debated. New amendments are engrossed, and it is read the third time, and passed. The Secretary carries it back and informs the House that the Senate has passed this bill, either with or without amendments, as the case may be. If there are

new amendments the House proceeds to debate those, but not the bill in general. When the amendments are adopted, the clerk informs the Senate of that fact. A committee of the House appointed expressly for that purpose *enrolls* the bill, that is, writes it out in a large hand on parchment (not on paper as when it was engrossed), comparing it with the engrossed bill to see that it is correct. It was an old custom that, when the bill is enrolled, it shall be written "solidly," or all in one piece, without paragraphs, lest the blanks between the paragraphs give an opportunity for fraud in interlining words or phrases not originally in the bill. The Speaker signs this parchment copy and informs the House that he has done so. The Clerk carries this enrolled bill to the Senate and announces to that body that the Speaker has signed the bill. The President of the Senate then signs it, and informs the Senate of that fact. The bill is then given to a committee of the House of Representatives (called the Committee on Enrolled Bills) and they carry it to the President for his signature. After he has signed it, his private secretary comes to the Capitol and announces this fact to the House. He then carries the bill itself, which has now become a law, to the Secretary of

State, who causes it to be printed with the others, carefully preserving the parchment. A bill originating in the Senate instead of the House goes through exactly the same process, except that every stage is reached in the Senate first, and it is in charge of the Secretary of the Senate, instead of the Clerk of the House. Any bill may originate in either branch, except money bills. Bills for raising taxes must (as has been already mentioned) start in the popular branch, and, by courtesy and custom, most bills appropriating money start there also. These bills go through a process varying slightly from the others, but the difference is not material. The process, as it has been explained, shows the birth and growth of a law through all its stages up to the point when it only remains for the President to execute it; and all the machinery of Congress, and behind that, all the machinery of our elections, is for the sake of successfully bringing about this very process of making a law.



## THE EXECUTIVE.

It was the purpose of our fathers to lodge absolute power nowhere; to leave each department independent within its own sphere; yet, in every case, responsible for the exercise of its discretion.—GARFIELD.

## ARTICLE II.

### SECTION 1.

The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice President, chosen for the same term, be elected as follows:

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such a majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a

majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.]

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he may have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:—

“I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability preserve, protect, and defend the Constitution of the United States.”

## SECTION 2.

The President shall be Commander-in-chief of the Army and Navy of the United States, and of the militia of the several

States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

#### SECTION 3.

He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

#### SECTION 4.

The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors.

## ARTICLE I.

## SECTION 3 (CLAUSE 7).

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

## AMENDMENT XII.

The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each; which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March, next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

## CHAPTER VI.

### THE ELECTION OF A PRESIDENT.

IN a government like ours there is no one supreme department, but in every country there must be a supreme officer, or the government cannot be managed, and will be entirely without dignity. This, again, seems too simple to need statement, but it is a curious fact that many people now believe any head or controlling power unnecessary to a nation. This idea has grown out of a hatred for the extreme governments, where the rulers have most or all of the power in their own hands, as in Russia; or where the government is so arranged as to make a very strong central power, as in Germany. Such a system is called by its enemies tyrannical, but its friends are apt to call it paternal, because it takes a kind care of its subjects. As this care usually relates to the splendor of the nation rather than to the well-being of the people, there are few countries that do not object to this

An Executive.  
Danger of  
too much  
centraliza-  
tion.

variety of control, and a great number of revolutionary societies spring up under such government. This is not the place to discuss efforts of this kind for increase of popular freedom. There is a good and a bad side to all such attempts that have ever been made; but it is well for us to re-

*Socialism without occasion in the United States.* member that such a course has no excuse or occasion in this country. Here the

people make every officer we have, from the highest to the lowest. Each one of our offices may be filled from among any class in the community, if only enough voters wish that it should be. Any officer may be changed, after a very brief time, if enough of his fellows disapprove of his action. Every person has an opportunity to decide for himself in all these matters, and beside all this extreme liberty as to officials, the laws are so arranged that no officer, or no body of officers, can possibly usurp the power. All that any of them can do, or that the whole body of them together can do, is to execute the laws which the people have made and approved. But it passes comprehension how the country could go on from day to day, without some officers whose business it should be to see the laws carried out. The United States without such officers would be like those

*Need of some head.*

households where the father and mother have gone away and left the children to take care of the house, with the matches and the stove and the baby to play with!

It is especially necessary, therefore, in a popular government, that the people should look <sup>Duty of</sup> <sub>the people.</sub> carefully after the affairs of the country. It is necessary that they should know who is chosen to make the laws, and who is chosen to execute them. It is necessary that every voter should know whether these men make right laws, and carry them out well, so that he may know whether to send them to do this work again, or to try some one else. And if the people do not know by careful reading and study and talk among themselves what laws are needed, and what the lawmakers are doing, we shall have a very poor government. But notice that when this happens it will not be the officials who are to blame, but the people themselves. Thus it will be seen also that the elections which occur at intervals are most serious occasions, and should receive the closest attention from every voter. It is worse than foolish to neglect them or consider them of small consequence,—it is wicked. They are the most important occasions in the life of the country, and to

take part in them is a great duty as well as a great privilege.

Any man born in this country and who is more than thirty-five years old may be President of the United States. A man may come here from a foreign country and have every other privilege of a citizen but this one; he never can be the chief ruler of the land. We wish to make certain that the President has no particular fondness for any other country, but that he is an American to his heart's core, and we wish to be sure that he does not hate any other country so much that he will desire to quarrel with it at any cost. For both these reasons it is better that he should be a native American. It is easy to see also that a position of such responsibility needs a man of some experience, and therefore the prime of life was chosen as the youngest age possible to a President.

There is a provision in the Constitution that any man who had lived fourteen years in the country at the date of its adoption might be President, though he were not a native. This provision is, of course, no longer of any consequence, as all such persons are long ago

Qualifica-  
tions of  
President.  
Art. 2, § 1.

Obsolete  
provision.  
Art. 2, § 1,  
cl. 4.

dead, and indeed it was never used. It is said that this exception was originally made in order to include Alexander Hamilton, who, having been born in the West Indies, was not a native American, but who was so prominent and valuable a citizen, that many of his friends believed he should be made President.

The chief executive is chosen once in four years. Every voter in the United States casts his vote for President, but, curiously enough, he does not vote directly for that officer, but for a body of men called electors, whose duty it is to choose the President. The men who framed the Constitution had no experience in making presidents, although the experience of the Continental Congress had taught them what mistakes to avoid in the legislative branch of the government. But in their desire to avoid some dangers they fell into others in the matter of choosing a President, and arranged what has proved a somewhat complicated method of electing him. Their original plan worked so badly that a change was made in 1804, but the present law still contains so many defects that efforts to alter it are frequently made—so far, however, without success. Probably some

Term. Art. 2, § 1.  
Indirect election. Art. 2, § 1.

new law will soon be constructed, but at this time\* we choose a President in the following manner.

On the Tuesday next after the first Monday in November, all the voters in the country vote for "electors." This is a body of men who are to meet together later and choose the President. This arrangement was made because it was thought that so difficult and delicate a task as choosing a President could be done better by a small number of men than by the whole mass of the people. It was also a method of giving effect to the American idea of a joint election by the people and the States. Each State is entitled to as many electors as it has congressmen, one for every member of the House of Representatives, so that the whole people may be represented according to their population, and two more for each State, so that the State may be represented in the government, thus carrying out exactly the same principle as the Congress does. In order that the different parts of the government may be kept quite separate, no congressman or other officer of the United States can become an elector.

**Electors.  
chosen.  
Amend-  
ment 12.**

The electors of each State may be appointed in such manner as its legislature shall direct. They may be appointed by the governor if that body sees fit to so direct, but they are everywhere elected, or chosen by the people. The voters of each State vote on the appointed Tuesday of November for as many electors as that State is entitled to choose. These men may be all of one party or of different parties, as suits the individual voter. In fact each voter usually does choose all the electors from one party, but there is no law whatever requiring him to do so.

After these electors are chosen, they meet on the first Wednesday of the next December, the electors of each State meeting at the capital of their own State. The body of electors is called the Electoral College. These electors, each in their own State, vote for President and for Vice-President, voting separately for each; and a majority of the whole number, adding together the votes from all the States elects the candidate. It must be remembered that it is a majority of all *electors* which decides the matter. Now, as the electors are chosen by the people of each State, it might happen that the electors from some one

*Chosen by  
each State.*

*Electoral  
College.  
Amend-  
ment 12.*

*Majority of  
Electoral  
College.*

State would themselves be chosen by a very small majority, but, when chosen, their votes (if the contest be close) would decide the question of the Presidency, so that, in fact, the votes of that small majority would elect their candidate. The whole number of electors at the present time is four hundred and one, and a majority is at least two hundred and one. Now it is the majority of electors which choose the President, but it does not matter, of course, from which States they come. Some States being larger than others, more people vote for the electors in those States, and this brings about a curious result. A candidate may have a majority in the Electoral College, although more people in the country voted against him than for him. This can best be understood by an example.

<sup>Popular</sup>  
<sub>majorities</sub>  
<sub>do not elect.</sub> In 1856 James Buchanan received one hundred and seventy-four votes in the Electoral College against John C. Fremont and Millard Fillmore, who together received one hundred and twenty-two, thus electing Mr. Buchanan by a majority of fifty-two votes. Now the population of the different States was so distributed that more than 2,210,000 people voted for those one hundred and twenty-two Fremont and Fillmore electors, but only a little more than 1,800,000

voted for the one hundred and seventy-four Buchanan electors. Yet the one hundred and seventy-four electors were all chosen each by a majority in his own State. As the Electoral College was to decide, it made no difference, except as an interesting fact, how many men had voted for all the electors; if each was chosen by a majority of the votes in his own State, he was chosen. It has happened five times already, that the popular majority was against the candidate elected. In this last election of 1884, the majority in the Electoral College turned upon the vote in New York State, which, being a very large State, had thirty-six electors. As it happened, neither candidate would have a majority without them. The vote was very close in that State, but the electors preferring Grover Cleveland were chosen by a majority of about one thousand votes. These one thousand votes elected the whole thirty-six electors, and that made a majority for Cleveland in the Electoral College. So that, in a sense, it seemed to be true that the President was elected that year by a thousand votes. At first sight such an arrangement (particularly as it worked in 1876) does not seem to bring about a fair choice States and people act together. by the people, and this would be true

if the question of the States did not come in. Everything we do in this country politically is done by the people and the States together. If the President were elected directly by the people, the States would be left out altogether; or if the President were elected by the States (their legislatures, for instance), the people would be left out. The present plan of electoral boards is the only one yet devised by which the people and the State can act together. The people choose the electors, each State choosing its own board by a majority of its voters, and these boards all added together choose the President, also by a vote of the majority.

The electors from any one State are not required <sup>Electors</sup> all of them to vote for one man. At Pres-<sup>make their</sup>ident Lincoln's first election the vote of New Jersey was divided. Nor are the electors obliged to vote for the candidate they were supposed to favor at the time of their own election, although it is almost certain that they will do so. Their choice is entirely free. In 1872, Horace Greeley, one of the candidates for President, died on the twenty-ninth of November, before the meeting of the Electoral College. When this body met on the 4th of December, three electors from

Georgia, who had been chosen to vote for Greeley, cast their votes for him still; others gave complimentary votes for various candidates. It is perfectly possible (though never likely to happen) for the Electoral College to choose an entirely new man for President, whose name has not been mentioned, as the electors may vote for any one they choose, provided he has the necessary qualifications. They cannot, however, vote for both President and Vice-President from their own State, but must select one of them from another State. The Vice-President is elected at the same time, and in the same way as the President, but the votes are taken separately. The result of both elections is not announced, however, until a later period.

After the vote is taken, the electors in each State make three accounts of the result, Lists of votes. seal them up, and certify that they are cor- Amend-  
ment 12. rect, directing two of them to the President of the Senate at Washington. One copy is sent by mail, and one by the hand of a special messenger, whom they select for this honor, and whose expenses are borne by the government; but he must pay a heavy fine if he fails to perform this duty. The third copy is delivered to the judge (or other

specified officer) of the district where the election is held. If, after a month, neither the mail nor the messenger has brought any return to Washington, the President of the Senate notifies the Secretary of State, who sends a messenger to procure the copy deposited with the judge. At the last election, the returns from Oregon and Iowa being accidentally delayed beyond the proper date, messengers were sent for the third copy, according to this law. All these precautions are taken to prevent the loss of so important a document, and to guard against intentional delay by any State. If there is no President of the Senate, the Secretary of State takes charge of these returns until the Senate elects a presiding officer. It is important to remember that this sealed list of votes is called a "return."

On the second Wednesday of February, Congress meets all together, for the purpose of counting these votes. The Senate proceeds to the House of Representatives with a good deal of formality. The President of the Senate opens the returns, the votes are counted, and he announces to the assembled Congress who has a majority and is therefore elected President.

Votes counted. Amend-  
ment 12.

Whenever it happens that no candidate has received enough votes to elect him, the House of Representatives must immediately proceed to choose a President. As they represent the people, this is only another way of accomplishing the object of discovering whom the people wish for their ruler. The House of Representatives cannot choose any one, but must take the three names which were found to have the highest number of votes, and select among them by ballot or written vote. But in order that no portion of the country shall have undue power over the rest, and the States be entirely omitted from the decision, it is provided that each State shall have but one vote, and that must be according to the wishes of the majority of congressmen from that State, so that it may represent the wishes of the majority of its people. In such an election the members from each State would first vote among themselves, the majority selecting the candidate; the whole Congress would then vote, each State having one vote, and the majority of the States would determine who should be the President.

When it comes to the selection of a Vice-President (in case the Electoral College does not have a majority for anyone) the

A failure to elect throws choice into the House of Representatives.  
Amend. ment 12.

Vice-President chosen by Senate.  
Amend. ment 12.

Senate makes the choice. As the principal occupation of a Vice-President is to preside over the Senate, it would not, of course, be proper that he should be selected by the House of Representatives. Moreover, if it should ever happen that neither the electors nor the House of Representatives could succeed in electing a President before the fourth of March, it is provided that the Vice-President should occupy the office. Of course, if neither the electors nor the congressmen could elect any one for the first office, they would succeed no better in electing some one for the second office, and the Senate would be obliged to take the matter in hand. The people having tried in two ways, through the Electoral College and through the House of Representatives, to choose, without success, the States would then have the privilege of electing the President, but indirectly, as they would choose a Vice-President, who would hold the office of President. And even then the Senate could only choose from the names already presented by the people to the Electoral College. They must select between the two candidates having the most votes for Vice-President, each senator voting, and the majority of votes deciding the election. This Vice-President would

then become President, no President having been elected. All this is an elaborate provision for the election of President in case the President of the Senate finds, when the votes are counted on the second Wednesday in February, that no candidate has a majority. It has occurred twice that the election of President fell to the House of Representatives,—President Jefferson, and President John Quincy Adams being elected in this manner.

A difficulty of a different kind arose after the election of 1876. At that time Louisiana and Florida each sent two returns, because of a quarrel in those States as to which of two sets of officers were actually their officers; and in Oregon there was also a question as to who had been chosen electors. For the purpose of settling these difficulties, Congress created a special board, consisting of five members of the House of Representatives, five senators, and five justices of the Supreme Court, called an Electoral Commission. This court was to settle the matter of the disputed returns and determine who were chosen electors. They accordingly determined which returns were sent by the real officers of the States; these were counted, and everything went on as usual.

The President and Vice-President are formally chosen in this manner, but in fact the election is determined by the people themselves, on that Tuesday of November which is election day, when the Electoral College is chosen. It was thought by the framers of the Constitution, as has been said, that this small body of picked men would select a President more wisely than the great mass of the voters, and no doubt, they were right in that opinion. But everything in this country has come more and more under the control of the *people*, and is ruled by the wishes of the majority, which is the pure democratic principle. That is, we have been growing away from the idea of representation toward the idea of the direct choice by the people themselves. Whether this is a good tendency or not, only time can tell; but, in accordance with it, the people have always preferred to pick out their own President, rather than allow the electors to do it for them. Early in the year of a presidential election two or more candidates are selected, each of whom has his friends. The people of the country being very generally divided into parties, the members of one party vote for one of these candidates, and the members of the other party

Election decided in November.

for his opponent. They do this, of course, not by voting directly for the men, but by voting for the electors known to favor the different candidates. Absurd anecdotes are sometimes told of persons who do not understand this, and who refuse to vote for one of the candidates, but do vote for the electors who favor his election, never realizing that they really have voted exactly contrary to their choice. As soon as it is known which electors have a majority of votes, it is easy to add up the number and decide whom these electors will choose for President. The actual election in December is therefore only formal, being determined beforehand. Thus it appears that it is the people—in this country always and everywhere the people and the majority of the people—who choose the President. But the official process is first the choosing of electors, then the voting by this Electoral College, which sends its certified votes to the President of the Senate, and then the counting of these votes in the presence of Congress.

The Vice-President is chosen in the same way, and is required to possess the same qualifications as the President. This officer is

Election  
in Decem-  
ber an-  
nounced in  
February.

Vice-Presi-  
dent.  
Amend-  
ment 12.

somewhat like the fifth wheel to a coach, only used in case of trouble. His office in the government is to take the place of the President <sup>Duties.</sup> <sup>Art. 2, § 1,</sup> if that gentleman should die or become <sup>Art. 1, § 3.</sup> unable to perform his duties, although he presides over the Senate, in order that he may have some duty in the government. That the Vice-President really is a very important officer, however, is shown by the fact that already it has happened four times in our history that the President has

<sup>Instances of succession.</sup> died while in office, and the Vice-President was called upon to succeed him.

The first occasion was the death of President Harrison in 1841. Much discussion arose at that time whether Mr. Tyler—then Vice-President—became President or only acting President, but it was decided that he became actually President. This question was of but little real importance, but of great interest. In 1849 Vice-President Fillmore succeeded President Taylor. In 1865 President Lincoln was assassinated a month after his second term began, and Vice-President Johnson took his place; and in 1881, President Garfield was also assassinated and Vice-President Arthur became President.

If the President and Vice-President should both

die, the duties of the office would fall to the Secretary of State, who would perform them <sup>Presiden-</sup>  
<sup>tial suc-</sup>  
<sup>cession.</sup> until the end of the term, in addition to his own duties as Secretary of State. If there should "be none, or in case of his removal, death, resignation, or inability," the office of President would devolve upon the Secretary of the Treasury, and after him, if necessary, upon each Cabinet officer in turn — the Secretary of War, the Attorney-General, the Postmaster-General, the Secretary of the Navy, or the Secretary of the Interior. When such an event occurs during a recess of Congress, an extra session must be held within twenty days. If it should ever happen that any member of the Cabinet was constitutionally ineligible to the office of President, or if he should be under impeachment, his name would be dropped from the list of possible successors to that position. This law\* has taken the place of that for many years in operation, which provided that the succession should fall first (after the Vice-President) to the President of the Senate, and afterward to the Speaker of the House.

When the Vice-President dies or becomes dis-

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\* This law was passed in 1886.

abled from performing his duties as presiding officer of the Senate, that body chooses one of their own number as president <sup>Succession to office of Vice-President.</sup>

*pro tempore* to perform them in his place. If it should ever happen that a President wished to resign, or should refuse to accept the office, he must do so in writing to the <sup>Resignation of President.</sup> Secretary of State, who would announce this fact, and the office would then fall to the Vice-President, as when the President dies; a similar result would follow the resignation of the Vice-President. This last event occurred in 1832, when John C. Calhoun resigned the Vice-Presidency to become a Senator, but the former does not seem likely to happen.

## CHAPTER VII.

### DUTIES OF THE PRESIDENT.

IT is the business of Congress, as we have seen, to make the laws; it is the business of the Duties of  
Presi-  
dent. President to execute or carry them out.

By this division of affairs, neither the President nor Congress get too much power. Being chosen in different ways and partly at different times, the one having no concern what laws are made, while the other can do nothing to carry them out, neither the one nor the other can ever grasp the whole power and change the form of our government. The President is directed by the Constitution to see that all laws are faithfully executed. His power is confined to the actual laws, embracing, of course, the Constitution itself, but it includes all the laws, even the treaties with foreign governments. In case another nation failed to keep its promises to us, it would be the business of the President to see that this law

was faithfully executed, as well as those dealing only with our own nation. In order that we may

have such laws as are necessary, and that  
President's  
message.  
Art. 2, § 3.

new ones may be made to meet each new

difficulty, the President is required to inform Congress of the condition of the country, and recommend such measures as seem best. At the beginning of every session of Congress he sends a message to Congress, that body having previously informed him, through a committee of both Houses, specially appointed for the purpose, that it is in session and is ready to receive any communication he may wish to make. At first the President appeared in person, addressing Congress in a speech, but President Jefferson introduced the custom of a written message. This is a document of varying length, dealing with the general condition of the nation and its particular needs, and giving a report of all its departments in particular. Similar messages are sent to Congress from time to time, on particular subjects, sometimes on matters of public concern, as the Mormon question, and sometimes referring to special occasions requiring immediate action, as the rescue of Lieutenant Greely and his starving companions from the Arctic ice. If any event

occurs making new laws necessary while Congress is not in session, the President convenes that body in extra session, and the law contains a curious provision that in case of a pestilence at Washington he may call Congress together at some other place. He may also, as has been shown, adjourn Congress if necessary.

Power to  
convene  
extra ses-  
sions.  
Art. 2, § 3.

As the President is the officer who stands at the head of the nation, and represents it in all its relations with foreign powers, he is the person who receives all foreign ministers in behalf of the nation, and who appoints all our foreign ministers and agents to other countries. He also makes the treaties with foreign nations, but as this is a matter lasting longer than any single President, the States themselves overlook that power, and treaties must be assented to by the Senate before they are finally agreed upon.

Receives  
ambas-  
sadors.  
Art. 2, § 3.

Makes  
treaties.  
Art. 2, § 3.

In order that the President may have power to carry out these laws as directed, and to maintain war with foreign countries, he is made Commander-in-Chief of the Army and Navy. This of course is necessary, for the ruler of a nation with no power behind him to enforce his orders would simply be ridic-

Com-  
man-  
der of the  
forces.  
Art. 2, § 2.

ulous. Moreover the army and navy must be controlled by the ruler of the country, or they might take the power into their own hands and establish a military despotism; they are for this reason placed under control of the President, who is a civil officer and chosen by the people. This same people keep a close watch over him also, that he does not take the army and make himself dictator, as was proposed by the army during the Revolution. Congress only can declare war and thus bring out the army, and Congress only can vote them the money necessary for food and clothes. Therefore, as soldiers must eat and drink, Congress can easily and quickly stop any attempt at military control of the government. The President also has the power to call to his aid and to control the citizen soldiers or militia of the different States, if the government needs their assistance.

Power is given to the President, as the supreme Pardoning officer of the land, to grant pardons and power.  
**Art. 2, § 2.** reprieves for any offence committed against the United States. The law is often very severe, but a law must go on without any choice as to who is injured by it, or what reasons there may be why mercy should be shown. So it

happens now and then that, on the whole, it is better for the country that a criminal should be pardoned rather than punished, but the law itself cannot consider such a possibility. For this purpose there must be a power behind the law to delay punishment or even set it aside altogether.

The President, being the power to carry out the law, is given authority to appoint officers for that purpose. Judges of the Supreme Court are specially designated, but for good reasons it is required that the Senate must agree to these appointments. It is also provided by the Constitution that the President shall appoint all other officers except those who fill unimportant places, which can be arranged (with some limitations) as Congress shall decide. Among other things it is directed by law that men who were soldiers and sailors in the late war shall be preferred, in making these appointments. By law, Congress has obliged the President to obtain the consent of the Senate to almost every appointment, so as to make sure that he has very little power entirely to himself. If, however, any office falls vacant while Congress is not in session, he may fill it temporarily until that body meets again, when he must submit the nomination to the Senate.

Appointing power.  
Art. 2, § 2.

Neither is he allowed to turn out any officer confirmed by the Senate, during a vacation of Congress; he can only suspend such an one until the Senate comes together. Thus everywhere Congress is gradually becoming itself the controlling power, making other departments its officers, although it was the intention of our forefathers that the government should be composed of three equal branches acting together and checking each other. Certainly this was a most wise and safe plan.

One of the most important duties of the President is to approve the bills passed by Congress. These are sent to him as has been described, and after he has signed them he sends word to Congress that he has done so. If he does not approve any bill, he may veto it, as has been explained. In that case he returns it with a message stating his reasons for not wishing to sign it, and it must be reconsidered. The President cannot veto a part of a bill; he must take it all together. Usually, when Congress and the President are friendly to each other, nothing more is done with a vetoed bill, as it is a serious matter to pass it "over the President's head"; that is, to insist upon a measure which he considers so bad he will not sign it. If this is done

by a vote of two thirds of both Houses, it becomes a law notwithstanding the President. Congress itself sends it to the State Department, to be kept with the others, and the President must execute it exactly as if he approved it, because, in all questions of making the laws, Congress is supreme. This power was never exercised by Congress during the first forty years of our government, and indeed the veto power was very rarely exercised during that time.

The presidential term was made four years, as this length of service was considered long enough to give experience, and brief enough so that the wishes of the people could not be long disregarded. If a President is satisfactory to the majority of the people, he is often elected a second time. There is nothing in the law to prevent his being re-elected over and over, but it is our invariable custom not to choose one man more than two terms. Washington refused a re-election for a third term, that the office might not seem too permanent, and we have never broken his rule.

There is always a possibility that a President may prove a very wicked man, and disregard all our laws, long before the four

Impeachment of President.  
Art. 2, § 4.

years are ended. In such a case he could not be convicted before the courts, for several reasons. If he could be brought into court like any other citizen, an unpopular President might be hindered from performing the duties of his office by constant suits brought against him by political enemies. It would also be very undignified for a nation to try its Chief Magistrate in open court, and it would do no good to convict him, for he could immediately pardon himself. The Constitution accordingly provides what shall be done with a President who will not obey the law. The President and Vice-President may be removed from office, if they can be convicted of crimes, or if they can be proved traitors, by a legal process called impeachment. For reasons of convenience

House of Representatives has sole power of impeachment. Art. 1, § 2, cl. 5. certain other officers of the government are included in this provision. The House of Representatives has the sole power of impeachment; no other body has that right, because it is supposed that body knows best whether the people have good reason to complain.

Senate has sole power to try impeachments. Art. 1, § 3, cl. 6. It first impeaches the character of the President, in a resolution containing formal charges, which is passed and sent to the Senate. The Senate then resolves it-

self into a court—each senator taking a special oath for the occasion—with the Chief Justice of the United States as presiding officer. The Vice-President does not preside, because he is interested to bring about the conviction of the President so that he may take the office. This high court of impeachment summons the President to appear before it. This he does by lawyers who represent him, and argue the case for him, against certain members of the House of Representatives, called managers, appointed by that body to manage the case for it in favor of the impeachment. After the testimony is taken and the arguments made, as in any court, the senators vote on the question like a jury, and if two thirds of them vote in favor of the impeachment (that he is guilty) the President is convicted of the charge made against him, he is removed from his office, and he may be forbidden ever to hold another. It was not deemed best to give this court further power to punish, lest, in a republic, it be used to punish a ruler unjustly for political opinions. But after he is deposed from his office and has become simply a citizen again, the regular courts may take up the matter, and, if he has committed a

Processes  
of the  
court.

Removes  
from office  
and dis-  
qualifies.  
Art. 1, § 3,  
cl. 7.

Liable to  
indict-  
ment.

crime, punish him in the usual manner. In the Impeachment of other officers. case of other officers who may be impeached, because it is not wise or possible to reach them through the courts, just the same process is gone through, except that the Vice-President presides over the court, he having no personal interest in the result. The effect of impeachment is just as in the other case, the convicted officer being put out of office and rendered liable to trial and punishment by the regular courts. This nation, having done almost everything the Constitution gives it power to do, has impeached one of its Presidents and several other officers. President Johnson was impeached in 1868, but was not found guilty, and was therefore acquitted. Two judges\* and a secretary have also been impeached.

The President and Vice-President having been Inauguration. elected according to the manner already explained, before entering upon the duties of the office, are publicly inaugurated. Every four years, on the fourth day of March, at twelve o'clock, one President ceases to be at the head of the country, and becomes only a citizen of the United States, with the same privileges and powers

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\* See p. 259.

possessed by any other citizen of the United States, and no more. At the same time another citizen of the United States takes an oath Takes the oath.  
Art 2, § 1. faithfully and by the help of God to perform the duties of President, and for four years he is the ruler of this great nation. This is done with a good deal of ceremony, but all of a very simple kind, as this is a simple government. The Vice-President is first inaugurated, which Inauguration of Vice-President. occurs in the Senate chamber. All the officers of the government gather in that room, each body coming by itself,—the House of Representatives headed by its Speaker, the Supreme Court headed by the Chief Justice, the Army and Navy represented by the General and the Admiral, and foreign countries by their ministers. Each body is announced as it arrives, and the President of the Senate rises to receive each. Many spectators are also present. Just before noon the new Vice-President appears, and immediately afterward the old President and the new President come in together. When they appear, the whole assembly rises. After some preliminary exercises, the Vice-President takes the oath to support the Constitution and faithfully perform his duties. He then takes his place as presiding officer of the Senate, making a short speech to the senators.

After this the Senate, which has been in nominal session during the ceremony, adjourns, and the whole body of officials marches through the Capitol, in procession, to a large platform built out on the east side in front of the principal door. There, <sup>Inaugura-  
tion of the  
President.</sup> in the presence of all these officials and a great multitude, the President takes a special oath of office, which is administered to him by the Chief Justice, and, according to the old custom, at its close he kisses the open Bible. He then makes a speech called an inaugural address. The custom of holding this ceremony at the Capitol, and in the presence of the people, marks the American idea that the power of the President is derived from the people, and the government is instituted by them, while the oath is administered by our chief law officer to signify that the law is supreme even over the ruler. Nations which believe that kings reign by divine right, hold their coronation exercises in cathedrals and the oath is administered by the chief religious officer of the land, a High Priest, Archbishop, or Cardinal. At the close of this ceremony the President is driven to the Executive Mansion, which is to be his home for the next four years. A long procession of soldiers is gathered from

all over the country, and there is always much display on the occasion. All these proceedings are not according to any law, but are simply the customs usually followed when the President is established in office. The only part legally necessary is taking the oath, and each of the four times that the Vice-President has become President, he has done this very quietly, sometimes in his own house, as it seemed an unsuitable time for display.

The Chief Magistrate is properly addressed as "The President," and spoken to as "Mr. President." There was at first much discussion whether he should not be addressed as "His Honor" or "His Excellency," but the simpler title was thought more dignified and stately.

The President receives a salary which is now fifty thousand dollars a year, and some of his expenses are also provided for, but he is forbidden to receive any other pay from any part of the country, or presents from foreign nations. He is allowed two secretaries, two clerks, a telegraph operator, a steward, and some other minor officials—such as messengers and doorkeepers—who are paid by the United States. While he is

Proper title.

Salary.  
Art. 2, § 1.

President he lives at the Executive Mansion in Washington, which is furnished and kept in order by the government, but all his other expenses of every kind he must pay himself, including several servants and his entertainments, even those which are official. A country house near Washington, belonging to the government, is also devoted to the use of the President during the summer, if he chooses to stay in that city, but some Presidents do not use it at all, and most of them go on occasional journeys. There is a custom, however, that these journeys shall not extend out of the country, nor more than three miles out at sea, as it is thought that would leave the nation without a ruler.

The Executive Mansion is commonly called the <sup>Executive</sup> <sup>mansion.</sup> White House, from its color. It has been, since the time of President Adams in 1800, the home of the President and his family. This house is situated about a mile from the Capitol, at the other end of the city. It was the first public building erected in Washington, and was designed by an architect named Hoban, who is said to have copied to some extent the Dublin residence of the Duke of Leinster. Congress usually appropriates money to partly refurnish it at the begin-

ning of each presidential term. It contains some very handsome rooms, but is, on the whole, extremely simple. The lower floor is principally devoted to public occasions, while the business offices and the private or family rooms are crowded together upstairs. One of the parlors, called the Blue Room from the color of its decoration and furnishing, is always used by the President for ceremonious receiving. The most famous apartment in the White House is the East Room, which is eighty feet long, half as wide, and more than twenty feet high. It was intended as a banqueting hall, and was used for that purpose as late as the time of President Jackson. In the earliest days of its history it was not furnished, and Mrs. John Adams found it a convenient place for drying clothes. Since those days it has seen two weddings (those of President Grant's daughter, and President Hayes's niece) and the funerals of three Presidents. President Garfield's funeral was held at the Capitol. It is difficult to keep the furniture of this room in proper condition, because of the depredations of visitors hunting for relics. The curtains have several times been torn up in this way. It is now used as a drawing-room, and the banquets are held in the state dining-room.

The President not only resides at the Executive Mansion, but here he does all the business needing his personal attention, and receives all persons who call upon him either for business or ceremony.

The President easily accessible. Unlike a king, he can be seen by anyone, and it is the custom for him to appoint frequent occasions when he holds public receptions open to the public. Similar receptions are usually held by his wife every week during the winter. He also gives formal dinners of considerable ceremony to foreign ministers, and certain officers of our own government, and occasionally he gives other official entertainments.

There is very little state or ceremony about our Chief Magistrate—quite too little in fact. Twice the President has been murdered for want of a guard, and his life is constantly in danger from crazy persons. But it is imagined that it pleases the people better to see the President very simple in his habits. As while he is President he represents a great and rich nation, it might be well that for the time being he should at least be so much guarded as would prevent assassination. No person with a proper sense of the dignity of the country would ever object to seeing that dignity expressed in some ceremony about the man chosen

to be our chief ruler. But the idea that everyone, no matter who he may be, should be able himself to see and talk with this President when he wishes to do so, is the only democratic idea. Much ceremony, to do honor to the country, and perfectly free access to the President publicly and socially, would seem to be the true and proper arrangement for a splendid and powerful republic.

## CHAPTER VIII.

### THE EXECUTIVE DEPARTMENT.

THE head of the Executive Department is the President. Congress, which makes the laws, is a large body, in order that they may be more carefully framed. But that they may be well executed, there must be one head over all the officers, whose business it is to carry out the provisions of Congress. As soon as it is decided what shall be done, the next thing is to do it, and this requires one controlling power, with force behind it if necessary. This is no tyranny, because the people decide what shall be done, and the President is (in a sense) only the convenient instrument through which they act, and which they change frequently according to their own pleasure. He is, however, the officer who is responsible for the execution of all the laws, and for the wise management of the general affairs of the nation. But the laws necessary for so many

President head of Executive Department.

Art. 2, § 1.

people are very various, and the business of so large a country is enormous in quantity. Of course the President, although directing it all, cannot possibly attend personally to the details.

It is accordingly provided that this business shall be distributed among departments, and the President shall choose several men each to have charge of one of these departments. This body of men is called a Cabinet. They advise the President on any subject which he chooses to lay before them, having regular meetings for the general discussion of affairs ; they also furnish him with written opinions on any troublesome question that may arise, if he requests them to do so. Almost all important matters are discussed by them, and their meetings are secret. These officers are at present seven in number. Each has entire charge of his own department, and, as it is the President's business which they are doing, they are responsible to him for the way in which it is done. He may appoint to such a position any one he chooses, and, if he is not satisfied with a cabinet officer, may request him to resign, that he may appoint some one else. It happened once, during a great quarrel in the government, that President Johnson requested the

Cabinet.  
Art. 2, § 2.

Secretary of War, Mr. Stanton, to resign, but he (thinking the interests of the country required it) refused to do so. Whether this was a necessary course or not, it was contrary to the whole idea of the Cabinet, which is a body of men advising the President, and responsible to him, not to the country. This being the case, they are of course his personal friends, in sympathy with his ideas, and representing him in the conduct of his affairs. They accordingly remain in office only as long as he does, new men being appointed by each President.

The head of the Cabinet is the Secretary of State. He has charge of all our affairs relating to foreign governments. This office was created immediately on the beginning of the government, for it was at once evident that some one must look after our relations with the other nations of the world. The foreign ministers. ministers and consuls are under the direction of this officer. The foreign ministers are men appointed to represent us in other countries. They live in or near the capitol of the nation to which they are sent, and watch closely the political situation, keeping our government informed in reference to it, so that we may know the plans of

other nations. If there are any treaties or arrangements to be made, or difficulties to be settled, between that country and ours, it is done through the minister. He also attends to the interests of our countrymen who are travelling in that land, or who have gone there to live temporarily. Not the least of his duties is to represent his country in social ways and on ceremonious occasions. His house is considered as belonging to <sup>A legation.</sup> the United States,\* is under its flag, and is treated as if it was situated in this country. Citizens of the United States may be married there according to our own laws, whatever may be the law of the land itself; and, in time of war, Americans are entirely safe in the house of our minister. When France and Germany were fighting each other, our minister in Paris, Mr. Washburn, protected many of his countrymen under his own roof, and if they had been disturbed it would have been an occasion of war with this country, because the "legation" (or house where the minister resides) is considered, for the time being, under the control of the United States. Consuls are officers of the same nature, and, though <sup>Consuls.</sup>

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\* Some countries actually own the houses occupied by their ministers.

less important, have similar privileges. They attend to the commercial affairs of Americans in foreign lands, but do not concern themselves with affairs of state between the governments.

All nations have ministers and consuls, for friendliness and convenience, in every country with which they are on good terms; but, as soon as a war breaks out between the governments, one of the first acts is to send for these officers to come home, in order to show that all friendly feeling is at an end. The order recalling a foreign minister on such an occasion is considered a sort of declaration of war. For the same reason a nation would send home the ministers of a country toward which it threatened war, as was recently done by China before opening hostilities upon the French. But ministers must not interfere with the affairs of the country to which they are accredited. During the administration of Washington, the French minister, M. Genet, endeavored to stir up a party in the United States in favor of the French Republic, notwithstanding the President's recent proclamation of neutrality; he even went so far as to fit out privateers to fight against countries hostile to France with which we were at peace. On account

Recall of  
ministers.

of these unsuitable proceedings Washington demanded and obtained his recall. Ministers are often recalled or transferred, however, simply for reasons of convenience. In this case another is immediately sent to take the place, that there may be no break in diplomatic relations.

The officials representing other nations at Washington are under the charge of this department. When England, for example, sends a minister here, he first calls on the Secretary of State and presents his credentials, or letters which show that he is sent by the Queen. The Secretary of State, after this proceeding, which is conducted at the State Department in a very formal way, accompanies the minister to call on the President at the White House. Here the Secretary introduces the minister to the President, and both make short speeches expressing the friendly relations of the two countries. If the President should refuse to give such an audience to any minister, it would be an insult to the country sending him. All such matters are arranged through the Secretary, and also all correspondence with foreign governments. It is the custom to congratulate rulers on marriages, and the birth of an heir to the throne, and to send <sup>Diplomatic corps.</sup>

formal letters of condolence on the death of sovereigns.

It is from this department also that passports are given. A passport is a certificate issued by any nation, describing a man, and certifying that he is a citizen of that country. The European governments, being much afraid of plots and revolutions, require all travellers to constantly show such a paper, in order to prove that they are genuine visitors, and not persons wishing to overthrow the throne. If a man does not have this paper he is liable to be immediately imprisoned. The United States, being a free country, does not require any such proofs of character; but, when our citizens go abroad, passports are necessary, and are provided by the State Department.

This department has other duties of much consequence, which make the Secretary of State an officer of the greatest importance to the country. Our relations with other lands depend largely upon his action. If there is trouble with Germany over the importation of American hogs, the Secretary of State conducts the negotiations, and if he bungles about it we may get into a war with Germany; and when South American affairs are much complicated, it depends

greatly upon the judgment of the Secretary of State whether or not we interfere. But it must be remembered that this officer is, after all, only the representative of the President, and can do nothing without his consent. So, at the bottom, the President himself is responsible for all we do in regard to foreign powers, but the officer who does the work, and who controls the methods, is the head of the Department of State, or the department having charge of our affairs as a state among other states. Of course all treaties are agreed upon <sup>Treaties.</sup> through this department before they are submitted to the Senate, and here they are kept after they have been ratified.

Each of the treaties, and many other important papers of the government, are sealed with <sup>The seal.</sup> the seal of the United States, which is kept by the State Department, and only used by direction of the President, a special warrant being issued to the Secretary of State for that purpose. In olden times, when it often happened that a great personage could not write, a seal stood instead of his name, and it still denotes formal assent to a document, and is important and significant. The seal of a nation is not always stamped on the paper, like the seal of a letter, but some-

times hangs from the document by cords, like a great medal of sealing-wax, two or three inches in diameter and one quarter of an inch thick. This is not merely for ornament, but is important in preserving the document, as these cords are used to hold the different sheets together. The ends are fastened with the seal, and of course any tampering with the paper is prevented. The seal of the United States has on one side an American eagle bearing on his breast a shield of thirteen stripes, holding in his right claw an olive branch, and in his left a bunch of thirteen arrows. From his beak depends a scroll bearing the words *E pluribus unum*,\* which is the motto of our nation, and above his head thirteen stars break out of an encompassing cloud. The other side of the seal shows an unfinished pyramid surmounted by an eye, each separate block suggesting a State added to the others under the All-seeing Eye. The mottoes of this design are *Annuit cœptis*,† and *Novus ordo seclorum*.‡ This side has never been cut, as our government always stamps the seal upon the paper. These designs occasioned much discussion. Franklin, Jefferson, Adams, and other

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\* One out of many.      † He has favored the undertaking.

‡ A new order of the ages.

prominent men suggested many devices, but the matter was finally given into the hands of Charles Thompson, the able and learned Secretary of the First Congress. He chose, with slight alterations, a design sent to John Adams by Sir John Prestwich, an English gentleman, and for the other side, or reverse, a design furnished by William Barton, of Philadelphia, both of which were adopted by Congress in 1782, and again affirmed in 1789. The first of these designs, that of the eagle, is the one so familiar to us, and known as "the seal of the United States;" wherever it appears it indicates that the nation has agreed in the most solemn manner to the document bearing it. In 1884 a new die was cut for this seal (the original one being very imperfect) which will hereafter be used on state papers.

The State Department also has duties relating to our own people. It proclaims to our own and other nations the establishment Proclama-  
tion of new  
States. of new States or Territories whenever they are created by Congress, thus, in the name of the President, formally receiving these new members into the Union, and marking the growth of the nation. This department has the charge Preserves  
and pub-  
lishes the  
laws. of all our laws. After the passage of a

law the parchment copy is carefully brought to the Secretary of State, who preserves it with all that have gone before. He also publishes annually such laws as have been passed during the year, and distributes the book among the officials <sup>Constitu-  
tional  
amend-  
ments.</sup> and to all the States. Amendments to the Constitution are particularly the business of this department. When one is proposed, the Secretary of State announces the fact to all the States, and, when it is agreed to, he again announces its adoption, and that the Constitution is altered accordingly.

The officers of this department are a Secretary, <sup>Officials  
and build-  
ing.</sup> three Assistant Secretaries, and many other officials and clerks. The business is carried on in a large and handsome granite building near the White House. This building contains all the records of the government. Here are kept the original state papers, such as the Declaration of Independence, and here are all the laws and treaties. This building contains a special room for the reception of foreign ministers when they have business with the government.

The Department of War comes next in rank, <sup>War De-  
partment.</sup> being established at the commencement of the government. The Secretary of War

has the control of all our military affairs. He represents the President in his capacity of commander-in-chief of the army, and, except in the presence of the chief magistrate himself, is the officer of highest rank. Even the general of the army must obey the orders of the Secretary of War. He directs all the outfit of the troops, and advises the President upon the appointment and removal of officers, but in time of war he seldom interferes with the movement of troops unless in case of necessity. He is always the chief officer, however, with the power to do this; and it is often quite impressive to see a plain civilian in the midst of great generals, controlling them all, and reminding them, when necessary, sometimes much against their will, that in our country the people are above the army. In the belief of our fathers it was one of the safeguards of our liberty that the civil power should be superior to the military.

The Secretary of War must provide for all the care and support of the troops, and many officers of the army are appointed to help him. The Adjutant-General keeps the lists of the soldiers, and attends to all matters relating to their enlistment and discharge. The Paymaster-General pays all the bills; the Quarter-

Controls  
and sup-  
ports the  
army.

Bureaus.

master-General buys the clothing, horses, and whatever may be needed for comfort and efficiency, while the Commissary-General buys the food. There is also a Surgeon-General, superintending all the medical affairs. There are bureaus of ordnance or guns, of artillery, and of engineering or the construction of forts and bridges. Besides these there is the bureau of military justice or court-martials, which are military courts for trying officers charged with crime. These bureaus are all superintended by army officers, and many of the clerks are officers or soldiers who are detailed to do this duty. Connected with this department

<sup>Signal ser.</sup> <sub>vice.</sub> is the bureau of the Signal Service, or, as it

is sometimes called, the Weather Bureau.

The officers and men of this bureau, in time of war, lay telegraph wire from place to place, and communicate by means of it, or, through a system of using flags, convey information from one part of a battle-ground to another. In time of peace they are engaged in observing the weather, and studying the laws by which storms, wind, cold, and heat follow each other. The wonderful laws of the weather were to a great extent discovered and formulated, and the whole work systematized by General Albert J. Myer. The results

are of the greatest possible value to the country and the world, although it has been established only about twenty years. It was this bureau which sent the Greely expedition to the Arctic to learn more about storms and weather for our benefit.

The War Department renders the country another important service, maintaining a school for educating officers at West Point. <sup>West Point.</sup> We depend very largely upon volunteers to furnish an army in case of war. A large standing army is thought to be expensive, and for many reasons very unwise in a republic; so many idle men are bad for the community, and an unoccupied army often proves dangerous to a government. For these and other reasons we depend chiefly upon volunteers if we must fight, and the civil war showed this to be a safe dependence. But it is difficult to make officers of an army out of lawyers, shopkeepers, or farmers, with no training in the science of war. They need to be specially educated. The government has therefore established a school where it gives free training to its officers. The students in this school are appointed on the recommendation of the congressmen from all over the country. Any boy of the proper age, so recommended, who

can pass the examination necessary, and is physically strong and whole, may go to the Military Academy, and receive the best possible education for an officer of the army at the expense of the United States. After this, he is expected to serve in the army several years, but in time of peace he may resign after a few years without dishonor. If a war should arise, these men are fitted for officers of volunteers, and are expected to perform that service for the government. Of course a man may continue in the army after his graduation, and most of them do so. The business of the

War Department is carried on in an im-  
<sup>Building.</sup>

mense granite building directly west of the White House. In times of peace it has little to do compared with the others, but during a war, it sometimes seems as if the whole government was gathered together there.

A department of the Treasury was created a month or two after these other departments, <sup>Treasury Department.</sup> for it was apparent that we should need money to carry on the government if we were to have a nation. This department has grown to be very large, and to contain a great number of bureaus; for the business affairs of such a great country are of enormous extent. The Secretary of

the Treasury has entire charge of the collection, care, and expenditure of our moneys. He collects all the money due the government from taxes, customs, and other sources. An officer called the Commissioner of Internal Revenue collects all the taxes from our own people, and under him is a great body of officers scattered all over the country. Another bureau collects all the money due on foreign goods, or the customs, and its officers are stationed at all the seaports on the coast. When all this and the other moneys due the government in various ways are gathered together, there must be an officer to take care of it. He is called the Treasurer of the United States, and his duties are much like those of a bank cashier. He has an office at Washington, and two or three others about the country, which are called sub-treasuries, and are simply branches of the office at Washington, for the convenience of the public. The Treasurer keeps all the money of the government and all its bonds, together with many million dollars of bonds belonging to the banks, which are left in the Treasury according to a law of Congress. It is the business of this officer to pay out all the money owed by the United States. When a debt of the

<sup>Internal  
revenue.</sup>  
<sup>Custom  
duties.</sup>  
<sup>Money and  
funds.</sup>

nation has been through all the proper forms, the money to pay it comes through the Treasurer. It is from him also that the President and most other officers of the government receive their salaries.

Another officer of this department, called the <sup>Currency.</sup> Comptroller of the Currency, makes all the paper money of the United States.

When Congress has directed that new bills shall be issued, or when old bills are worn out and new ones must take their place, the money is made by the Treasury Department, and extreme care is used to prevent counterfeiting. Even the paper on which the bills are printed is manufactured in a peculiar way, according to a secret process, under government direction, and the manufacturer must account to the government for every sheet he makes. The government also engravés the bills, watching every process most carefully, from the blank paper to the finished money signed by the Treasurer, during which time it has been counted more than thirty times, to be sure none was lost or stolen.

<sup>Coins.</sup> The silver and gold coins are made by the Treasury Department. This is not done at Washington, but at Philadelphia, Carson City, New Orleans,

and San Francisco. The coin is watched with just the same care as the currency, and the officer having charge of it is called the Director of the Mint. An enormous amount of silver and some gold is constantly made into money. By a law of Congress, also, any man having gold bullion can bring it to the mint, and the government will make it into money for him without any charge.

All the financial business of the government, however, is not confined to the collecting and manufacturing of money. Much of it <sup>Financial affairs.</sup> has to do with investing money, raising money, with borrowing it when we need, and with issuing bonds to pay our debt. All these and many other financial affairs are conducted by the Treasury Department, and come under control of officers known as the Register, as Comptrollers, and by other titles. When the last war closed we had a national debt of twenty-seven hundred million dollars. But the country has been so prosperous, and its financial affairs so well managed, that this has been reduced more than one half. In twenty years we have paid more than fourteen hundred million dollars of this debt! <sup>Public debt.</sup> A half dozen bureaus, called the Auditor's offices, keep the

accounts of the government; others are hard at work all the time at the statistics of our affairs, preparing statements of how our money is spent and what are our resources. Such lists are published every month and are very valuable.

Besides all these bureaus connected with our money affairs, this department has, for various reasons, the management of some other matters.

<sup>Light-</sup>  
<sup>houses.</sup> Queerly enough all the lighthouses are under its direction; and a part of the

<sup>Coast sur-</sup>  
<sup>vey.</sup> navy occupied in surveying the coast and making maps of the harbors; and the life-saving service, an organization of men who live

<sup>Life-saving</sup>  
<sup>service.</sup> in small houses on bleak parts of the coast, in order to save the lives of wrecked seamen. Probably the control of these subjects is given to the Treasury because they are more or less closely connected with our commerce and the smuggling of foreign goods, and so concern our revenue.

<sup>Estimates.</sup> One of the most important duties of the Treasury Department is to decide annually how much money the government will need to pay all its bills for the coming year. These statements, called the estimates of appro-

priations, are carefully made up by all the other departments of the government, and sent by the Secretary of the Treasury to Congress at the beginning of each session, asking that money be appropriated accordingly. If not enough is appropriated, the expenses must be cut down, because of the constitutional provision forbidding the drawing of money from the Treasury except under regular appropriations. If Congress should forget to mention the salary of the President in one of these bills, he would be obliged to wait for the money until an appropriation could be made. These estimates are obviously very important to the successful carrying on of the government. Of course the business of this department must be done with great care, and the amount of rule and routine required is amusing and often annoying, but it is absolutely necessary to protect the property of the government.

No one can serve as Secretary of the Treasury who is engaged in any commercial business or other transaction in which the government has any interest. The work of this department is carried on at Washington, in the Treasury, a large granite building near the White House on an opposite side from

Limitation  
on Secre-  
taryship.

Treasury  
building.

the State Department, as well as in various other buildings about the city. The Secretary has two Assistant Secretaries, besides all the heads of bureaus already mentioned, and an army of Clerks. clerks is employed under him. There are three or four thousand in Washington alone. A lawyer is specially appointed to look after the <sup>Solicitor.</sup> legal business, who is called the Solicitor of the Treasury.

The Department of Justice was created in the year 1789. The head of this department is called the Attorney-General, and it is his duty to conduct all the law business of the <sup>Department of Justice.</sup> government. He is required to investigate the titles to all the land bought by the nation, to give legal opinions as to the meaning of any law, which the President or any cabinet officer may refer to him, and especially to carry on such law-suits as the government may find it necessary or desirable to undertake. It is his particular business to personally represent the government in cases the United States may have in the Supreme Court. In brief, he does for the nation much the same work as a business man's lawyer does for his <sup>Duties of Attorney-General.</sup> client. To help him in this, he has two <sup>Officers.</sup> Assistant Attorney-Generals, a Solicitor-

General, and a number of minor officers, all lawyers, besides the necessary clerks. As the business of this department is always coming up in the United States courts all over the country, the Attorney-General has offices in each State, and District Attorneys are appointed to attend to matters coming before them. These men do the same work as the Attorney-General himself, and under his direction to some extent, but in the courts of less importance. This department is obliged by law to have its office near the Treasury Department, but as it employs in Washington a comparatively small number of persons, it scarcely needs a building to itself. At present it shares with the Court of Claims a free-stone building opposite the Treasury.

Office of  
the Atto-  
ney-Gen-  
eral.

## CHAPTER IX.

### THE EXECUTIVE DEPARTMENT — *continued.*

THE departments already mentioned were all Post Office that were thought necessary when the Department. government was established; but after it had been in operation about five years, in 1794, it was found that we required a General Post Office, with some one to take charge of the mails for the United States. As the country has grown, this has proved a work of the greatest importance, and has increased to an enormous extent. In 1794 there were only fifteen States, of which Kentucky was the most western. It is less than one hundred years from that time, but the United States mails now travel from Texas to Alaska. And while at that time the postage varied from six to twenty-five cents for every sheet of paper, to-day a letter will travel from one end of the land to the other, and cost only two cents for each half ounce. All this has been accomplished through the skilful management of the Post Office Depart-

ment. This department establishes Post Offices all over the land, even in its most remote corners. It contracts with the railroads to carry the mails, and hires men to do this work where neither stages nor locomotives can go. It makes constant efforts to add to the public convenience in these directions. In the large cities it distributes the letters at the homes and shops of the inhabitants, sometimes every hour. It arranges for trains which carry the mails in a wonderfully short time. It carries packages all over the land for trifling sums. It even takes charge of misdirected letters, and spends much time and money in seeking their rightful owners. It also provides for convenient and speedy communication between this and foreign lands. For a long time mails were carried by private individuals, and to stop this a law was passed forbidding any person to make a business of carrying letters. This secures to the government the money spent in that way, and so renders it possible constantly to improve the postal arrangements; it also makes the means of communication between one part of the country and another just equal for everyone, the poor man being able to send a letter just as quickly and cheaply as

Care of the  
United  
States  
mails.

his rich neighbor. Sometimes this department is able to pay its own expenses from the sale of stamps, but not often; and the government is glad to appropriate the money required, as it is so necessary to the convenience of the public. Of course the officers and offices of this department are distributed over the country, wherever a little knot of people have gathered together to form a community, but it has its main office, like all the other departments, in Washington. There, <sup>Building and officers.</sup> in a large white marble building, the Postmaster-General has his own rooms and those of his three Assistant Postmaster-Generals, and the officials under them.

In 1798 it was discovered that the same officers <sup>Navy Department.</sup> could not attend to the affairs of the army and the navy, and a new department was created to superintend our defence on the seas.

<sup>Controls and supports the navy.</sup> This branch of the government performs the same service for the navy as the War Department does for the army, but the bureaus or divisions of the department differ somewhat. There is a Bureau of Yards and <sup>Bureaus.</sup> Docks, superintending all affairs relating to navy yards; a Bureau of Construction and Repairs, which attends to the making of new

ships or the mending of old ones; a Bureau of Equipment and Recruiting, which corresponds to the office of Adjutant-General; and, like the army, the navy has bureaus of Ordnance, Provision, and Clothing, and one of Medicine and Surgery. But it also has, in addition, a Bureau of Steam Engineering, and a Bureau of Navigation, relating to various kinds of ships and their management. All these bureaus are superintended by officers of the navy of various ranks, — usually commodores, — who are ordered from time to time to attend to these duties.

The navy yards come under the control of this department. These tracts of land, situated at some of the large seaports, contain shops for repairing and constructing vessels, and store-houses of supplies and ammunition, with the necessary docks, and with houses for the officers who superintend these industries. As in the case of forts, all the land and other property is owned by the United States. These yards are controlled by the navy, and in time of war great efforts are made to seize them, both on account of their use and their value. Like the army, the navy has a school for training its officers. <sup>Navy yards.</sup> <sup>Naval Academy.</sup> This is situated at Annapolis, the capital of

Maryland, on a beautiful harbor in the Chesapeake Bay. Naval cadets or students are appointed on the recommendation of congressmen, in the same manner as the cadets at West Point. The President also has power to appoint several boys every year to both schools, from any part of the country.

Under this department is a bureau called the <sup>Hydro-</sup><sub>graphic</sub> <sup>Office.</sup> Hydrographic Office, the business of which is to supply maps, charts, and other publications, by means of which the ships of war <sup>Observa-</sup><sub>tory.</sub> may be safely navigated. And as much of the safety of the sailor depends upon his knowledge of the stars, the government has established and supports an Observatory, from which the heavens may be studied. The United States has been liberal in its efforts to help on the science of astronomy, and a beautiful new building will soon be erected near Washington, which will contain, among other instruments, the largest telescope in the world, with perhaps a single exception.

The flag of the United States is in charge of <sup>The flag.</sup> the Secretary of the Navy. It was officially adopted by Congress in 1777, although it seems to have been used by our forces for

nearly a year before. The origin of the design is much disputed, and no definite information on the subject has ever been obtained, although it is generally believed that the combination of stars and stripes was suggested by the coat of arms of the Washington family. It consisted originally of thirteen stripes of red and white, and thirteen white stars on a blue field. It is a curious incidental fact that these stars are always five-pointed, while those on the coins have six points. In 1794, after Vermont and Kentucky had been added to the Union, the flag was changed to fifteen stripes and fifteen stars; but in 1817, four more States having been created, it became evident that this plan could not be followed. Congress then determined that the stripes should always remain thirteen, to remind us of the original colonies which banded together to make the United States, while the stars should always represent the number of States, whatever it might be. We have now thirty-eight stars; and whenever a new State is admitted to the Union, another star is added on the next Fourth of July, the birthday of our nation. The beautiful flag which floats so proudly above us suggests always how brave was our beginning, and how great we have grown.

The offices of the Navy Department are situated in the same building as those of the War Department, except a few, like the Observatory, the work of which can be done better elsewhere. The Admiral of the Navy also has his office in this building, as, like the General of the Army, he and all his subordinate officers are under control of the civil power. The Secretaries of the Navy and of War are the only cabinet officers who do not have one or more assistant secretaries; but it was probably thought unnecessary, on account of the number of officers who assist them.

As the country grew larger, it was found that a great many matters had been entirely left out of any of the departments, or had grown beyond their care. A new one was accordingly created to consider the affairs of our own land, called the Interior or Home Department. It sometimes seems as if its real purpose is to do everything which is not the business of anyone else. The Secretary of the Interior superintends a very miscellaneous collection of affairs, some of them of the greatest importance. Once in ten years it is his duty to take a census of our population, or, in other words, to count all the

people in the United States. This is a proceeding of much consequence, as the number of congressmen we have depends upon the number of inhabitants, and the direct taxes must be proportioned in the same way. It is also desirable to be able to form some idea of the different pursuits of the people, how they are distributed, from what nations they come, and many other similar facts. These are discovered by this counting; but it is a matter requiring great care and attention, lest the information prove incorrect. The actual counting is done by a multitude of persons as nearly as possible in one day, so that no one may be counted twice. The census of 1880 gathered together so much valuable information that it will probably fill nearly thirty large volumes.

The Secretary of the Interior also has charge of the public lands, or land belonging to the United States on which no one has yet settled. When a man (or woman) wishes to settle in one of the Territories, the law gives him one hundred and sixty acres of land, if he will settle on it, build a house, and live there five years. This is called the Homestead Act; and the privilege is open to any citizen of the United States. Besides this, he may take a very

Public lands.  
Homestead and pre-emption laws.

large tract of land, anywhere from forty to one hundred and sixty acres, and, after using it two years and a half, buy it of the government for one dollar and twenty-five cents an acre, unless it is situated on one of those railroads which have been assisted by the government, in which case he must pay two dollars and fifty cents an acre. Special provisions are made by which men who

*Grants.* have fought for the country may get the

land on still easier terms. The government also gives away land to States and towns for public purposes, for schools, and for many other desirable uses. It gives five hundred thousand acres to each new State, to set it up in housekeeping, as it were. In order to persuade men to build railroads through these wild regions, adding to the convenience of settlers, the government has been in the habit of granting land to such roads along the line of their tracks. This land soon became very valuable, thus (by making it profitable for rich men to engage in such enterprises) bringing about the building of these railroads, and ultimately the growth of the country. Still other

*Mining claims.* laws arrange methods by which a man who discovers a mine can claim it, and it becomes his own property. All these grants have

a variety of conditions attached, but they are very simple, and any honest man who really wishes the land for his own use has no difficulty in accepting these generous offers of the government to its children. Persons who find it hard to live in the older States at the East often move into the Western Territories, and "take up" these homesteads, securing a good home for themselves and their children. Many foreigners come here and become citizens for this very purpose. We own so much land that we can afford this remarkable generosity for a long time to come. The government also sells much of it, sometimes in small portions, and sometimes in great tracts, but always at very low rates. It also lays out cities in desirable localities, and sells the lots. These transactions must be done carefully, or different people may get the same tract. For this and other reasons, the United States every year sends out men to survey the unsettled country, and make maps of it. These men lay it out in "sections," each containing six hundred and forty acres, and thus add very much to the convenience of persons wishing to settle there. The management of all these lands is given by Congress into the charge of the Inter-  
Public sales.  
Land surveys.

rior Department, which has a Bureau of Public Lands to attend to the details.

Another duty of this department is to pay the <sup>Pensions.</sup> pensions, or monthly payments to those soldiers and sailors who lost limbs or health in fighting for the nation. These pensions are also granted to the dependent widows or orphans of those who lost their lives in the army or navy. There seems to be no good reason why this duty should not belong to the War and Navy Department, but it is given by law to the Secretary of the Interior.

This officer also superintends the patent business <sup>Patents.</sup> of the country. A patent is a certificate given to a man who has invented any new machine or other useful article, declaring that he was the first to invent this process, and therefore may have the exclusive use of it for a certain number of years. Everyone else wishing to use the invention must pay him for the privilege. The object of this law is to induce people to make new inventions, and to enable poor men to spend the money necessary for experimenting, in the hope of making much more afterward. If it were not for some such law as this, only the rich could afford to spend their time inventing. When a

man wishes to procure a patent, he must show the Commissioner of Patents, by drawings and a model of his machine, that it is a real invention, useful for some purpose, and entirely new. These drawings and models are kept in a large building called the Patent Office; and anyone who believes he has made a new invention can look them over and find out if the idea has been already patented. If not, the patent will be given to him.

This department contains also a Bureau of Education. The business of this bureau is to collect and distribute information valuable to the country in relation to schools and education, and to show where schools are needed, and what are the best methods of teaching. Education.

Besides the land surveys, the government sends out parties every year, who explore its unknown territory, find its mines, trace its rivers, and measure its mountains. These are bodies of scientific men who discover and report upon the face of the country and its geological, scientific, and practical value to our nation. Their work differs from that of the land survey both in its nature and in traversing new country for the most part, while the land survey follows it to map out the lately discovered regions. The work is Geological survey.

done under the direction of the “Geological Survey,” and we are indebted to such study and labor for the most that we have learned about our Western country, and for the reports of its marvellous resources and fertility, which have drawn there so many settlers. These surveys also look carefully for traces of the early inhabitants of America, and have made some wonderful discoveries of dwellings in the cliffs and on the table-lands of Arizona, probably built a thousand years ago.

Still another matter comes under the *Indians.* Secretary of the Interior, which is, perhaps, the most important of all his duties. He has charge of all the Indians in the country. Our relations to the Indian tribes are very curious. They are not citizens of the United States, and cannot become so without naturalization; and they are not foreign nations, although we make formal treaties with them, because we control their actions. In fact, they are treated as if they were conquered nations controlled by us, but with no rights that we are bound to respect. When the country was first settled, no one realized that it would ever cover the land from sea to sea, and the Indians were simply driven farther and farther West. At that time we considered these tribes as

foreign nations, and tried making treaties with them. But when it appeared that we should settle on the East up to the Rocky Mountains, and on the West up to the Rocky Mountains, it also appeared that there would be no place left for the Indian. We accordingly broke the treaties as fast as it was convenient to do so, neither paying the money we had agreed to pay, nor reserving the land we had promised to set aside. Many wars and much cruelty on both sides resulted from this condition of affairs. More mistakes—it might almost be said—have been made by our government in dealing with the Indians than in all our other affairs. At present the different tribes are kept on reservations, or tracts of land reserved for their use, many of them being gathered together in one great reservation called the Indian Territory. Here they are fed and clothed by the United States, and governed by men appointed by the President for that purpose, called Indian agents. This treatment, much like that of animals in a menagerie, is as bad for the Indian as the old plan of trying to kill him, and is almost as cruel, because of the way in which white citizens have been allowed to steal the land and property of the red men in these reservations, and to commit

every variety of outrage upon them without punishment. At present a new method is being tried, that of civilization; and this perfectly natural and Christian plan seems likely for the first time to solve our Indian problem. The children are taught both to work and to study, at various schools in the East and nearer their homes. Land is often given to the individual Indian; and, as soon as he is fit for it, the rights and duties of citizenship will probably be granted to him by Congress. Instead of being, as had been supposed, little more than an animal, savage because his nature would admit of nothing else, he proves capable of becoming an intelligent and valuable member of society. All this vast change in our treatment of this poor people—treatment in which we were more savage than they, since we knew better, but they did not—has been brought about through the efforts of some benevolent people in the country, and by the help of a few congressmen and government officers, who believe in the ability and character of the Indian in the face of all arguments to the contrary. These men believe that the Indian is a man and a brother, and may be treated as such. The first demonstration that such a course was possible came from an army

officer, Captain R. H. Pratt, now of Carlisle, and from General S. C. Armstrong of the Hampton School.

All the departments, and most of the offices connected with them, publish annual reports of their affairs and actions. These reports are printed and bound in books by the government, and distributed free all over the country. As the most convenient way of doing this, they are distributed by the members of Congress, but anyone may have them, and to make sure of general circulation no postage is charged. Anything bearing the stamp of the government goes free through the mail. The public documents are many of them very valuable indeed, like the maps, the accounts of the mines and the western country, the census, the reports of the Signal Service telling the probable weather, or the reports of the proceedings of Congress. All of these, and a vast number of other books relating to the affairs of the government, each valuable to some class of persons, the government prints for the people and freely distributes among them, so that they may know what is being done at Washington and become fully instructed on these important subjects. These documents may not be sold (except a few <sup>public documents.</sup>

which are specially mentioned), and it is a proof of the dishonesty of some one if they are found on booksellers' counters. They are for the free use of the people, and, so long as they last, can always be procured by application to the congressmen. Many of these books are under the charge of the Department of the Interior.

Various other matters not included in any other sub-  
jects. other branch of the government are in-  
cluded among the duties of this depart-  
ment. It has so many and such various interests  
Buildings. in charge, that no one building will hold  
it. Many of the bureaus have separate  
buildings of their own. A large Pension Building  
has just been erected, and the Patent Office is one  
of the most noticeable of our public buildings.  
The Geological Survey has a great National  
Museum under its direction, containing much that  
is valuable and most interesting relating to the  
history and products of our land. Each of the  
bureaus of the Interior Department is in  
Officers. charge of an officer called a Commissioner,  
and besides these gentlemen the Secretary has two  
Assistant Secretaries to help him superintend this  
vast mass of affairs.

These seven departments comprise all the Cabi-

net offices, but there is also a minor department, separate from the others, but having no <sup>Agricultural Department</sup> place in the Cabinet. This is the Department of Agriculture, under the direction of a Commissioner. It is his duty to superintend all the agricultural interests of the country, discover what soils are suited to new products, distribute fine or unusual seeds, make expensive experiments in regard to cultivating new plants, such as tea or sorghum, and especially to distribute literature on the subject for the benefit of the farmer. This department, which is of benefit to the great agricultural country of the West, was originally a bureau under the Secretary of the Interior, but it was a few years since made a separate department.

The Cabinet officers are paid a salary of eight thousand dollars, but it costs them so <sup>Salaries of Cabinet.</sup> much to live in Washington that this sum will not cover their expenses, and practically no one but a rich man can take one of these places, which are pleasant and desirable, though very laborious. Thus, as in many other cases, the people do not have an equal chance at all the offices. Poor men cannot take them, because the people will not give salaries large enough to support a man who has no other money to spend.

This is a very bad fault for our nation, which pretends to be especially a government with a chance for poor men. The people should stop and think a long time whether it is best to make it a government of rich men only by such a policy as this.

Each Cabinet officer has, under the President, <sup>Civil Ser- vice.</sup> the entire control of his department. Under him are not only the heads of bureaus, but many other important officers, and thousands of clerks. All these people are appointed by the President and the Secretaries, and they are responsible to the head of the department for the manner in which they do their work. He does not always select them, however. By a law of Congress many of them are picked out by a board of gentlemen called the Civil Service Commission, all this great body of officers and clerks being termed the Civil Service, in imitation of an English custom. This commission is not chosen by the people, but is appointed by the President with the consent of the Senate; and it is responsible to no one, in order that its decisions may be entirely uninfluenced. These gentlemen hold examinations for any place, within a certain class, that falls vacant in these departments. They

select the three persons whom they consider to have passed the best examination, and recommend them to the Secretary. He is obliged to appoint one of them. It is hoped that this plan will give all the people a more equal chance to secure places as clerks than when the choice was made entirely by the President and Secretary. The most important places are not filled by this commission, but directly by the President.

When the Cabinet was first proposed, it was intended that the Secretaries should be the particular friends of the President, taking charge of his affairs, and advising him about his own work. But the people are very jealous of the President, and much afraid he will get any power entirely in his own hands. At a very early time the Secretaries were required to make an annual report (either directly or indirectly) to Congress, representing the people. That body allows each department more or less money to carry on its affairs, according to its feeling with regard to the Secretaries, or its satisfaction with the conduct of the department; thus, although the Secretaries still advise the President, they are no longer exclusively his officers, but the officers of Congress as well; and it has even been proposed

Reports to  
Congress.  
and their  
signifi-  
cance.

that they should be required to attend the sessions of Congress to explain their action. We have already seen that the people, dissatisfied with the action of the departments in the matter of offices, have practically taken away from the Cabinet much of the power to select their own clerks.

It looks sometimes as if the people wanted to control everything, even the very things they have committed to their officers, and have forgotten that in our government they are not the power itself, but only the source of power.

## THE JUDICIARY.

There is no liberty if the judiciary be not separated from the legislative and executive powers.—MONTESQUIEU.

## ARTICLE III.

## SECTION 1.

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

## SECTION 2.

The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;—to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States,—between citizens of the same State claiming Lands under Grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact; with such exceptions, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

## SECTION 3.

Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving

them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attainted.

## ARTICLE II.

### SECTION 2.

\* \* \* \* \*

The President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

### SECTION 4.

The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors.

## ARTICLE III.

### SECTION 3.

\* \* \* \* \*

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

## AMENDMENT IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

## AMENDMENT V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

## AMENDMENT VI.

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

## AMENDMENT VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

## AMENDMENT VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

## AMENDMENT XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

## CHAPTER X.

### THE JUDICIAL SYSTEM.

IT is easy to see that a government by the <sup>Dangers of</sup> people, even by the representatives of the <sup>uncon-</sup>  
<sup>trold ma-</sup> majority. people, as in the United States, will be the worst kind of a despotism unless it is also a government of law and justice. Any measure, however cruel and unjust, might be made a law by Congress, if a majority of voters insisted upon it, and then must be executed by the President. Men who do not like our form of government declare that we are in just that difficulty, and that such a government cannot long exist, or be very comfortable at any time, because under our plan the ignorant people, who are always more in number than the wise men, can control the whole machinery of government and enact most unjust laws. This would be true, and would be as bad as its enemies claim, if it were not for two things—our written Constitution, and the third branch of our government, the judiciary, represented largely by the

Supreme Court. At the very beginning of our nation, the wise statesmen who made our government foresaw many of the difficulties of the proposed plan. They saw at once the great danger there would be of the "tyranny of the majority" to use a common phrase; that laws might be changed with great haste and carelessness; that one State might desire one law and another State quite a different one, and that no stability would be possible to us. They determined to prevent such a state of things by providing the <sup>A written</sup> <sup>constitution</sup> Constitution, or written law, which should be supreme, and which could not easily be altered. This Constitution is, therefore, the highest law of the land. Congress cannot make any statute that conflicts with it, the President may not perform any act that interferes with it. There is no way of getting round it or over it, except by altering or adding to it. That this might be done if necessary, a method of amendment is provided; but, lest it be done on every caprice, it is a very difficult process with many stages.

The law thus made (the Constitution) is so permanent and universal that in fact alterations are not often proposed. All laws that are likely to need change as time goes by, or that do not deal

with the principles and limitations of government, are made by Congress in the manner already shown, and are called statutes. These Statutes.

also are national laws, but they are not so fixed and unalterable, so serious and important, as the Constitution, which is the foundation of our liberty and its chief defence. With so much power in the hands of the people, without this great check upon it not readily or quickly alterable, we might have to-day a king, and next week no government whatever. We might, if the people were in the mood for it, see all the property in the country divided equally among its inhabitants, and the next week given into the hands of some religious denomination. There would be no peace nor security for lives or property in a government by the people, and it would indeed be the worst of despotisms (like the French Republic of 1793) if it were not for this strong bulwark of the written Constitution, holding in check both government and people, standing firm amidst all tumult of changing opinion, and strong against all violence of attack.

The tendency of popular government, as has been shown, is constantly toward concentrating all the powers of government in the hands of the

people; and the laws of Congress, and especially the customs of Congress, all look in that direction. In this way that body is very apt to stretch its power, to make laws apparently and perhaps actually conflicting with the Constitution. But who is to watch that Congress observes the rights of the people, since, as we have seen, it is itself the power making the laws and is the real ruler of the country? Moreover the Constitution, being intended for the whole land in all its length and breadth, and for all times, does not go into particulars, but contents itself with broad and general principles. This gives opportunity for different parts of the country to understand it in different ways, and often Massachusetts has held that the Constitution meant one thing, while South Carolina maintained that it meant quite the opposite. Who is to decide between them, for one State is exactly equal to another State?

Further purpose of the judiciary.

It was to provide against such dangers and settle such difficulties that our government was made to consist of three branches instead of two; a Congress to make the laws, a President to execute them, a Supreme Court to decide upon their constitutionality and to settle disputes as to the meaning of the Constitution.

Judicial branch of government.

This branch of the government is made equal to Supreme the others, not dependent upon them as Court. **Art. 3, § 1.** in some countries. Indeed, so far as Congress is concerned, the Supreme Court may overrule its action, if it attempts to overstep its just power, by deciding the law unconstitutional and so making it of no effect. Thus the liberties of the people are defended and protected against the people themselves; and this country, though ruled by the people according to the will of the people, can neither be neglected nor its liberties usurped by them. It is and must always be "*a government of the people, by the people, and for the people.*" This great, quiet power, which overlooks all our affairs, is without doubt the most responsible body in the whole land. There is no questioning its decisions. If the Supreme Court declares a measure to be law, the whole land must obey it. If the Supreme Court adjudges a law of Congress to be contrary to the Constitution, this famous law becomes only so much waste paper. No one need obey it or regard it again. In England, where there is no written Constitution, the highest court never declares an act of Parliament to be contrary to constitutional precedent. The court often interprets such acts, but never decides

upon their constitutionality, because the will of Parliament is considered as making the authority; and thus the people have no such resort against legislative tyranny as is given to Americans.

There are nine judges in the Supreme Court of the United States, and it is intended that they shall be very learned men in all matters pertaining to law, very just and honorable men, who cannot be in any way turned from the right, and men of much experience. It is also expected that they will be selected from different parts of the country, that they may, as far as possible, understand and appreciate the difficulties arising in all sections. These judges are called Justices of the Supreme Court, and the whole body is called the Supreme Bench.\* These positions are among the most honorable that we have. The justices hold their offices for life, unless their behavior should be such as to require their dismissal. Their presiding officer is called the Chief Justice of the United States, and this is doubtless the greatest office in the land. <sup>Chief Justice.</sup> The Chief Justice is chosen for learning and ability,

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\* The "Bench" is an old English term for the seat used by judges, and so came to be employed for the body of judges in any court.

which may not be true of the President, as he is very likely to be a man popular with the people, but not otherwise great. Again, the Chief Justice, holding his office for life, sees many Presidents come and go, but comparatively few men can ever hold his own office. Moreover the opinion of the Chief Justice and his associates decides the law for President and Congress, and both must obey. No one but lawyers can hope for this office, while any man may become President; but the desire to be a member of the Supreme Court, and particularly its Chief Justice, is the highest ambition possible to an American, and is most honorable.

It would seem at first that this is the tyrannical point in our institutions, and that so un-  
<sup>Checks on Supreme Court.</sup> controlled a body could do anything with the country, but no branch of our government is entirely independent of the others. Like different parts of a great machine, they all fit into each other, nothing will go without all the rest, and we must have the wheel and the shuttle and the belt alike, and all working together, or the wonderful web of national life will never be woven. The Supreme Court is not quite independent of either  
<sup>Judges appointed.</sup> Congress or the Executive. The judges  
<sup>Art. 2, § 2.</sup> are not elected, but appointed by the

President. If their offices depended upon the pleasure of the people, the very thing would happen that so much pains is taken to bring about in Congress. They would always represent the will of the people by whom they were chosen, and we should have no impartial decisions. But if the appointment was the end of the matter, we should have another difficulty; the President would have too much power over the judges, and he might (if he was a bad man) agree to give one of these offices to any friend of his on condition that his own wishes should be obeyed. To obviate this, the nomination of the President must be submitted to the Senate, and confirmed by it, before the appointment can be made. In this and some other ways, the Supreme Court is somewhat dependent upon both Congress and the Executive, but, once constituted, is independent of either, and so removed from the too great influence of the people. It thus remains supreme over them, as the judges cannot be removed at pleasure.

In order to make them watchful of justice, however, and to prevent the great wickedness that judges have sometimes committed <sup>Impeach-  
ment.</sup> <sup>Arre<sup>t</sup></sup> out when beyond punishment, they are ~~Arre<sup>t</sup>~~ed, which under the law. If they disobey<sup>on</sup> of the law,

decisions are improper and unjust, they may be impeached, like any other officer, and, if the decision is against them, be removed from the bench. As this impeachment is conducted by Congress (representing the people), the Supreme Court itself is in this way also, in a sense, controlled by the people, like all the rest of the government, but in this case not as easily or directly as in the other branches. Of course the justices may resign

*Judges permanent.* if they choose, but, until they do, they cannot be put off the bench by any one in any way, unless they have committed some crime. Indeed it has proved to be a mistake that no method is provided to discharge a judge who becomes unable to serve. Twice it has happened that a judge has lost his mind, but he could not resign, being unable to use his brain sufficiently for that purpose, nor could he be removed, as he had committed no crime. On one occasion they charged the judge with crime, producing the vagaries of his insanity as instances, and impeached him. This most cruel and unjust proceeding is a real blot upon our history. In a *recent* case, a most learned and upright *Judges appointed.* C. his mind from overwork. His family *Art. 2, § 2.* are now at he should receive an honorable

discharge, but, no provision being made for this in the Constitution, this course was not possible. He was entirely unable to write his resignation, and both the court and his family were much embarrassed by the situation during the remaining few years of his life.

The power of the Supreme Court is also limited by the fact that it can neither make laws, originate business, nor execute any laws. <sup>No power to originate law.</sup> It can only decide disputed questions about laws already made, and even these cases are restricted. Neither can it interfere beforehand with any act of the government. It cannot prevent Congress from passing any law, however bad; it can only decide upon the law after it is passed. It cannot interfere with any order of the President; it can only determine afterward that this order was contrary to law, in which case it will never be obeyed.

This court, like all courts, hears the arguments on both sides of cases brought before it, and then meets privately to decide the question. The majority of the judges determine what shall be the decision of the court, <sup>Decision of questions.</sup> and one of their number is appointed to write out in legal terms this "opinion," as it is called, which then becomes the final interpretation of the law,

and is printed in a book for reference. If any of the judges do not agree to this decision, they appoint one of themselves to write out the views of the minority, and this "dissenting opinion" is put upon record with the other, but it does not affect the law at all, as it is not a decision of the majority.

Here is shown once more that, even in the most impartial and learned tribunal in the country, it is still the *majority* that rules or decides. This is always and everywhere the rule of this country,—decision by the majority. There is no part of the government where the rule does not hold, and it prevails even down to those customs and habits which are not settled by law. If it were to be changed, the whole fabric of the government must be changed also, as, for good or bad, it is woven into the whole of the American system.

The Supreme Court holds its sessions at Washington, in the room which was originally built for the use of the Senate, but when the Capitol was enlarged it was devoted to this court. The nine justices sit in chairs on a raised platform before a long desk, like the judges of other courts. In front of them is the enclosure for the lawyers, but there are no places for wit-

nesses, as only questions of law are argued by the counsel or are heard by this court. This room being very small, there is little opportunity for spectators, but there are a few seats around the outside of the room, and a gallery on one side. The court meets daily at twelve o'clock, except when they themselves decide upon a different hour, or take a recess. The justices come into the room in a procession headed by the Chief Justice, who takes his seat in the middle of the bench, and the others arrange themselves on either side of him, those who were last appointed taking the ends. They wear large full robes of black silk, which gives them a dignified air. When they enter the room, according to an old custom, each justice bows to the Chief Justice as he takes his place, and, when they are all arranged, the whole body bows to the lawyers present, who are also standing. The Marshal then announces that the court is open, and, taking their seats, they begin work. Their sessions usually last until about four or five o'clock. The room contains the busts of all the chief justices since the beginning of the government. Behind the bench it is hung with heavy crimson plush curtains, giving a fine effect to the row of black-robed judges. The bench is oppo-

site the door, and is the first thing seen on entering the room. The spectacle is quite impressive, especially if one reflects that this is the place where the final decisions of the government are made; that without this body we should not be a real republic, and that we are a free nation because the fifty millions of people all over the country agree to obey the law as declared by these nine men. The Supreme Court hold these daily sessions from the middle of October until May, when it separates, and the different justices go out into the various parts of the country to assist in holding courts called Circuit Courts. Special sessions may also be held at any time when it shall become necessary. The justices are paid a salary of ten thousand dollars a year, and it can-  
Salary. Art. 3, § 1. not be diminished for any judge while he is in office. This hinders Congress from trying to punish a judge for any opinion unsatisfactory to that body, and adds to the certainty of just decisions by removing any fear of consequences. Each of the judges also has a messenger for his own use. The Chief Justice has five hundred dollars added to his salary. In case of his death or inability to serve, the President appoints his successor, but until the appointment is made, his

duties are performed by the justice who has been longest in office. Since the commencement of the nation there have been seven Chief Justices. At present the office is held by Justice Morrison R. Waite, who was appointed by President Grant in 1874. It is provided by law that each judge, after he has arrived at the age of seventy years, if he has served ten years, may retire <sup>Pensions.</sup> from the bench with full pay for the rest of his life.

The officers of the Supreme Court are a Clerk, a Marshal and a Reporter. The Clerk <sup>Officers of the court.</sup> attends to the cases and business of the court-room. The Marshal attends to the duties and orders of the court outside its own meetings. His duties are something like those of a sheriff in law cases. The Reporter prepares the reports of the business and the decisions of the court, and causes them to be published annually. A copy of this book is given to each of the principal officers of the government for his own use, and the rest are sold to any one wishing to buy them.

Besides this chief court, the most important purpose of which is to decide questions about the Constitution and the laws relating to the government, power is given to Congress to <sup>Circuit and district courts. Art. 3, § 1.</sup>

establish such other courts of less importance as may prove necessary. In this way there have been created nine courts called circuit courts. The whole country is divided into nine parts, and one of these courts is situated in each division or circuit. These circuits are again divided into districts, each with its own court. In this way the convenience of the people is consulted by courts near at hand. These courts have each its own duties and its own judge or bench of judges, but in the Circuit Courts the Supreme Court justices assist the regular judges. These are all United States courts, and form one great judiciary system. There are many other courts in the country, but they are established by the different States, are under direction of the States, and are concerned with somewhat different matters. The national courts all have to do with the same kind of subjects. Their judges all hold their office during life or good behavior.

As the Supreme Court declares what laws are <sup>Nature of jurisdiction.</sup> unconstitutional, and, if there is any dispute as to the meaning of the law, deals with the law-making power, the minor or less important courts deal with questions arising between the citizens and the law. This is a general state-

ment and in some respects not very accurate. With two exceptions, specified in the Constitution, all cases are brought first in one of the minor courts. If there is any question of the judgment, the persons decided against may appeal, — or ask, according to certain legal methods, to have the matter tried in a higher court. Thus a case sometimes goes up from one court to another, until it reaches the Supreme Court itself. As has been said, only two kinds of cases are begun there. If the case is simply one of fact—as to what happened to some individual—it will not come as far as the Supreme Court at all, as that court (being much pressed with work) concerns itself only with questions of law.\* If it is a question whether the Constitution has been violated, then it seldom stops in a lower court, but goes on until the Supreme Court is reached.

The whole matter is somewhat confusing, however, from the fact that the only occasions when the Supreme Court can decide between the Constitution and the laws, is when some man thinks himself wronged by a certain law, and asks the Supreme Court to decide whether that law does

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\* Certain cases, called equity cases, are an exception to this rule.

not interfere with his rights under the Constitution itself. It is always the *law* that he objects to, however, not the action of the individual under the law, although he takes the action of this individual as an occasion to bring up the law before the proper tribunal. A case is occasionally brought in court for the sole purpose of deciding the validity of the law, and is called a test case,

<sup>A test case.</sup> as the difficulty which occasions it is merely nominal, sometimes even created for the purpose of bringing about the decision. A recent case of this kind illustrates the point very well, while it is in itself of great importance. The question of the right of the United States to issue greenback money (necessary as a war measure) after the close of the war, was much disputed, and a gentleman in Brooklyn brought a case in order to have the point decided. He complained of the action of a man who owed him money and who had offered to pay the debt in greenbacks, claiming that the government had no right to oblige him to take such money instead of gold; he therefore asked a District Court to compel the man to pay him in gold. This court decided that he must take the money, as, according to a law of Congress, all debts might be paid in this currency.

He then appealed to the Circuit Court, which made just the same decision. Then he appealed to the Supreme Court to know if such a law was according to the Constitution. The Supreme Court decided that it was, and so was a good and valid law, and he could not oblige the man to pay the debt in gold. In this way the question was decided between the law and the Constitution, although the occasion of the decision was the action of an individual; but the Supreme Court had nothing to do with the question of what the individual had or had not done—that having been settled in the court below—but only with the question whether the law under which he had acted was good, and therefore binding upon him and all other citizens.

The power of the United States courts extends over all cases that concern our relations with foreign nations, that is, over all legal difficulties that arise under our treaties. Extent of jurisdiction. Art. 3, § 2.

For instance, we have treaties with most of the nations, called extradition treaties, requiring them to return any of our criminals who have taken refuge in their borders, and agreeing to perform a similar service for them. Any difficulty arising over one of these fugitive Treaties.

criminals must be tried in a United States court, not the court of any State; this is also true of any other case arising under any of our treaties. Other cases coming under the jurisdiction of the

<sup>Ambassa-</sup> national courts are cases concerning the <sup>dors.</sup> affairs of foreign ministers sent to this country by other nations. It is easy to see that such matters should be settled by the United States itself, lest out of the trouble grow some complication which might suddenly plunge us into war. All merely local matters are left to the States and their own courts for decision, but

<sup>Admiralty</sup> and mar- the ocean is common property, conse-  
time cases. quently all cases arising over ships or between persons on the seas are decided by the United States in the national courts. As

<sup>Cases to</sup> which the United States is a party. a matter of course all disputes between the government itself and any of its citizens in any State must be tried in the national courts. Another difficulty likely to happen is quarrels between different States, and these must be settled by the nation.

<sup>Against</sup> States. See Amend-  
ment 11. There is also a provision that, in any dispute between a citizen and a State, the case shall be tried in a United States court, but this provision is now of no effect, except

when the State itself makes the complaint. As early as 1794 an amendment was made to the Constitution that no individual should make a complaint and bring a suit against a State. At that time the State of Georgia was sued by a man who thought himself wronged, and the people were so angry at the idea that a State could be controlled by any one, even if it should fail to keep its agreements, that this amendment was added to the Constitution. It was a most unfortunate act, and the measure probably never would have been accepted if its effect had been foreseen. Several States have now repudiated their bonds, or refused to pay their notes issued some time since when in need of money, in which they promised to pay the amount designated on the face of these notes. They are able to do this without fear of punishment, because this Eleventh Amendment prevents any man from suing a State, notwithstanding the State may be withholding his just debt. This is an interesting instance of the way in which the Constitution must be obeyed even if it is itself not just or right. The only remedy for the difficulty is to alter the Constitution.

Controversies between citizens of different States

may, if desired, be put in charge of the United

Between citizens of different States. States courts, so that the man losing his case cannot complain that the court of

Art. 3, § 2. any State was too partial to its own citizen.

Other cases that the Constitution permits

Land-grant cases. to be tried in the United States courts are those growing out of a certain kind

of land grants. If the States have given the same tract of land to different men, the United States court will decide to which of them it belongs, because it is really, at the bottom, a dispute between States, as to which of them originally

owned the land. If a dispute should arise

International disputes. between any State or any citizen of the

United States and a foreign power—or even the subject of a foreign land—the United States will try such a case, lest this also prove an occasion for unexpectedly stumbling into a war, and the nation become responsible for actions which it did not control.

These are all the varieties of cases mentioned in the Constitution as coming under the control of the United States judiciary. But there are others

which are by law tried in these courts.

United States officers. An officer of the United States must not be hindered in obeying the commands of

his superior, and no one can punish him for what he does in carrying out these orders. For instance, if a United States marshal is ordered by the court to seize certain papers (according to the legal form), he should not be punished for stealing, and, if he should be charged with that crime, the case would be tried in a United States court. Or if anyone hinders a letter-carrier while he is distributing the mail, the United States will try the man for his action.

When a foreign minister has a complaint to make in the courts, and when a State itself wishes to bring a suit, the case may be commenced in the Supreme Court and tried there first, and the decision reached is at once final. There are various reasons for this, doubtless one of them being that it is more dignified. All other cases, as has been said, go first to a minor court, while cases which have been tried by a jury, Congress has decided shall not go to the Supreme Court at all, unless some question of law has arisen in the course of the trial. In all kinds of cases, Congress has power to make rules as to which shall be tried by the Supreme Court, and in what way; only these rules may not interfere with the directions of the

Original jurisdiction of Supreme Court.  
Art. 3, § 2.

Constitution itself. It must be remembered that these United States courts, the District, Circuit, and Supreme courts, are not the only courts in the country. Each State has a number of tribunals of its own, deciding disputes between its own citizens over local matters. These courts have a variety of names and rules in the different States. The United States being divided into districts, the District Courts meet each within the borders of its own district. The nine Circuit Courts are also held in the circuits. So it may often happen that in one city there are held at the same time several different kinds of courts,—the State courts managed according to State laws, and presided over by State judges; the United States District Court, presided over by the United States district judge; and the Circuit Court, presided over by its own United States judge and by one of the judges of the Supreme Court. The United States courts, wherever they are held, are always managed by the rules and methods of national law, and are exactly the same whether they are held in one city or another, though the laws of the States relative to the judiciary change a great deal in different parts of the country. Whether a case is tried in the United States court, or in the State

State courts.

courts, depends upon what kind of a case it is, not upon the place where the difficulty arose. It cannot be tried in a United States court unless it comes under one of the heads in the Constitution. It often happens, however, that a case might be tried in either a State or a national court, and circumstances or the choice of one of the parties determine which it shall be. Moreover, some of the cases which have been decided by the highest court of a State can be appealed from it to the Supreme Court of the United States, so that every citizen may be sure of his rights as far as possible. The State courts cannot interfere in any way with the proceedings of the United States courts, nor can the United States courts interfere with them while acting within their own jurisdiction.

Besides the District Courts and the Circuit Courts the United States has special courts of its own in the Territories, because, that part of the country being still under the control of Congress, the nation must, of course, maintain justice and provide tribunals for the convenience and safety of its inhabitants. These courts deal with all disputes arising in the Territory, and are much like the ordinary courts of a State, except that they are managed according to <sup>Territorial courts.</sup>

the rules of United States law, and the judges and other officers are appointed directly by the President.

When the government had existed a little more than fifty years, it was found that Congress was troubled with many claims of individuals for money which they believed the government to owe them. Some men had made contracts to work for the government and never had been paid for their services; some men had sold goods to cabinet officers or others for public use, and claimed they had never received proper payment; sometimes the government had taken possession of land, and there was a dispute with the owner as to the value of it. All these claims for money were difficult for Congress to settle properly, and there was much opportunity for cheating. To meet this difficulty a special act was passed in 1855 (under the third article of the Constitution), creating a new court called the Court of Claims, for the purpose of trying these cases. It consists of a Chief Justice and four other judges, who, like all judges, hold their offices during life, unless they so misbehave as to be impeached. They are appointed by the President, but must be confirmed by the Senate for the same reasons

Court of  
Claims.  
Art. 3, § 1.

that the Supreme Court judges are thus selected and approved. The court is held in Washington, and continues all the year round except during the summer, when it has a few months' vacation. Certain kinds of claims against the United States are considered by this court, disputes arising out of contracts made with the government, claims growing out of a law of Congress, certain questions of the unsettled accounts of government officers, and similar controversies. Claims for unpaid salary or wages, and others of various kinds not coming under these heads, are still considered by Congress; but any claim which Congress chooses to specially refer to the court can be tried there, whatever its nature. In 1863 Congress turned over to this court many questions which had arisen over cotton seized during the war, thus adding greatly to its business. Members of Congress are forbidden by law to practise in this court.

Of late we have had many cases of claims against the United States held by citizens of foreign countries, and in order that everyone may be sure that justice is done, special courts called Commissions have been appointed for their settlement. These commissions consist of judges

appointed by the two governments, who hear the evidence and arguments as would be done by a regular court. The sessions are usually held in the city of Washington. The Spanish-American Claims Commission, and the French Claims Commission, are instances of such courts. All these commissions are directed by law to undertake a special work, and are appointed for that purpose only, ceasing to exist when that work is done. One of them had a very remarkable history, and showed how great countries may live at peace if they choose. During the war we had much trouble because ships belonging to citizens of the United States were seized by

Geneva  
award com-  
mission.

Confederate ships built in Great Britain, and sometimes sailing under the English flag. We complained of this to England, and were answered that she knew nothing of the existence of such ships and was not responsible for their depredations. The dispute lasted a long time, but in 1871 a famous treaty was made at Washington between the two nations, agreeing to leave the matter to a Commission which should meet at Geneva in Switzerland, and which should consist of five judges, called arbitrators. Great Britain chose one, the United States one, and the other

three were selected by Brazil, Switzerland, and Italy, countries which had no interest in the decision, and which were supposed to have no particular prejudice for or against either of the disputing nations. This high court of arbitration decided that England ought to have known that these ships were built or protected in her harbors, and, as she was not at war with the United States, ought to have prevented their use as privateers against us. She was therefore obliged to pay the United States fifteen and a half millions of dollars for the damage done. This was a most important decision, not because of the money, or the question alone, but because it was an instance of two great nations settling a hot dispute by a peaceful court, instead of the usual resort to war, and thus agreeing to abide by what was just and right instead of deciding by a trial of strength. It is a long step upward from conquering by might to deciding by right.

This enumeration comprises the various kinds of courts established by the Constitution, or by Congress through the power given to it by that document.

## CHAPTER XI.

### THE LEGAL RIGHTS OF THE INDIVIDUAL.

**Trial by jury.** **Art. 3, § 2.** THE third clause of the second section of that article of the Constitution relating to the judiciary is one intended to secure important rights to every man in the United States. It provides for his right to be tried by his equals, or for trial by jury. It is a very interesting question how this right of trial by a chosen body of men arose. It was known in Athens, where Demosthenes spoke to the "gentlemen of the jury," but this was a large body of men, sometimes as many as five hundred. On the other hand, in the Roman courts it was likely to be a very small body. Cicero delivered one of his orations to one juror. The old Saxons had a custom of this nature long before they ever heard of the Romans, and their juries seem to have numbered twelve men. Our Norman ancestors made rules for conducting trials, based on the Roman law, much like ours to-day; and doubtless we get our belief in a jury and the customs regard-

ing it more directly from them, but, like everything English, much influenced by Saxon custom. It has always been held to be one of the great privileges of a freeman, and when the throne had grown careless of justice to the people, this was one of the rights wrested by the great barons from King John at Runnymede, in the famous Magna Charta. It was one of the demands made by the colonists in their revolution against British rule; and it has always been believed and is still held to be one of the fundamental rights that distinguish between a free government and a despotism.

According to this law, no man can be judged guilty of a crime until a body of men, his equals, who are not in any way prejudiced on either side, have concluded that facts show him to be thus guilty, and to have violated the law of the land. The beauty and justice of this idea are very evident. A man cannot be accused by some one high in authority, secretly tried by prejudiced persons, and unjustly condemned. Neither can an official be tried by those under him, who perhaps hate him, and wish to put him out of their way. Men of equal station,\*

Value of  
such a law.

\* It must be remembered that in the United States all men are equal in the eyes of the law.

publicly and impartially selected, must hear the matter, both for and against an accused person, and decide upon his guilt, before he can be either punished or acquitted. Thus a “spirit of oppression and tyranny on the part of rulers, and a spirit of violence and vindictiveness on the part of the people,” are alike guarded against. By the law <sup>Methods of</sup> <sub>a jury.</sub> of the land, following the old English law in the main, a jury consists of twelve persons. These men take an oath that they are not prejudiced in any way. They listen to the evidence of witnesses to the crime charged, in the presence of the person accused, the judge explaining to them what is the law bearing upon such cases. After they have heard the evidence, and the arguments of the lawyers on both sides of the case, they go away by themselves and decide whether or not the accused person is guilty. When they have arrived at a decision, the man whom they have chosen for their head, called the foreman, leads them into court, where, with considerable formality, he announces their decision; and this ends the case. If, for any reason, the verdict (or decision) can be questioned, the case is sometimes appealed to a higher court; but the decision of the matter by the jury settles

the question for that court. This decision must be unanimous; and, if the jury does not agree, the question must be tried again, in order that a man may have every chance for his liberty or life, since it is one of the great principles underlying this right of trial by jury, that every man must be concluded innocent until he is proved to be guilty.

There are two kinds of juries, one which decides the question whether the accused person has really committed the crime charged against him or not, and another, called the <sup>Grand</sup> <sup>jury.</sup> Grand Jury, which determines the question whether or not there is sufficient evidence against a man to make it proper to try him at all. If the charge made against him is only a spiteful accusation, with no sufficient ground, it is not worth while to spend the time of the court trying such a case, nor should the individual be subjected to the hardship of a trial. A grand jury, which consists of more than twelve and no more than twenty-three men, meets by itself, and secretly determines this matter. If there is enough evidence against a man to give him and the public a right to a decision of the question, the foreman of the jury writes on the back of the indictment—or paper setting forth the case—"a true bill"

(meaning a true bill of indictment), and the case is tried by the twelve jurymen of the other or “petit jury.” But if there is not enough evidence to justify a trial, the foreman writes, “not found” (that is, a true bill is not found), and the case is dismissed altogether. Both the grand and the petit juries are drawn by lot by some special officer. The list of names from which the jurors are selected is made according to State laws, differing in different States. Usually quite a number of names are drawn, from among which the jury is selected, as some may not be able to serve, and will be excused by the judge; or some may be prejudiced as to a particular case, and the lawyers will object to their serving on that trial. This list of names is called a panel, probably from an old Scotch word.

The right to be tried by a jury is very important to liberty, but such is the carelessness and neglect of the people of this country that a great difficulty has arisen. Men do not like to spend the time to serve on a jury, for it is often tedious and disagreeable. Forgetting the necessity of having intelligent and upright men to decide a case, and never thinking of the danger that would befall any interests of their own

Duty of  
jury ser-  
vice.

that might be tried in court, they refuse to serve for very trifling reasons. There are always plenty of men, however, particularly in a city, lazy, idle vagabonds, who do not care for law and justice, but who are glad of the small sum of money paid to jurors, and they are often the only persons who will do this service for the public. In consequence of this, no person can be sure of justice, while notorious criminals are safe from punishment, since such jurymen will never allow a friend of their own to be convicted. Juries of this character can also be easily bribed to decide in favor of either side of a case. This condition of things is a very great evil, so great that many persons think justice would more often be done if juries were abolished altogether, leaving cases to be decided by honest and upright judges. The history of courts without juries, however, has been that corrupt and wicked judges were worse than bad juries. The oriental nations are an example of this system, for there the man who can pay the most money to the judge invariably gains his case; and almost the only process of law in an Eastern court is the process of bribing the judge. In past time, also, much cruelty was exercised by judges. The real remedy for bad juries is good juries. Good men

ought to see that the privileges of a free citizen mean duties also; and they ought to feel that the duty of sitting on a jury, if not as exciting, is just as important to the preservation of a free government as fighting in its defence.

A jury decides all questions of fact. All criminal cases — that is all accusations upon <sup>Limita-</sup> <sub>tions</sub> <sup>of a jury.</sup> which, if found guilty, a man could be shut <sup>Amend.</sup> <sub>ment 7.</sub> up in prison and become a criminal — must be tried in this way. A certain class of civil suits, or suits about property, damages, and the like, may also be tried before a jury, if the matter in question amounts to more than twenty dollars. But questions of law, simply, must be decided by a judge. These are legal distinctions, however, not easily explained without a considerable knowledge of the subject and extended discussion.

The Constitution provides that the trial of <sup>Trials must</sup> crimes shall take place in the same State <sup>be held in</sup> <sub>vicinage.</sub> <sup>Art. 3, § 2,</sup> where the deed was committed, otherwise <sup>and Amend.</sup> <sub>ment 6.</sub> much injustice might be done a poor man, who, dragged far away from home, could not afford to pay for witnesses to establish his innocence, or, friendless among strangers, might find everyone prejudiced against him. One of the complaints against Great Britain in the Declara-

tion of Independence, was the tyranny of the King "in transporting the colonists beyond seas to be tried for pretended offences," and care was taken that the fundamental law of our land should effectually prevent any similar outrage.

Certain amendments to the Constitution were made very soon after its adoption, intended to render still more secure the <sup>Individual rights.</sup> rights of every citizen.

One of the privileges belonging to every citizen is the right to the protection of his own home. "Every man's house is his castle," <sup>Domicile. Amend. ment 4.</sup> and no one may interfere with him in it. No one else — not even the sovereign — can go in uninvited, and possess himself of suspicious papers or other effects, because no one else has any right inside the door, except by permission and courtesy. But lest a man make this right a cover and opportunity for all sorts of wickedness, the law protects the public from its abuse. Officers, armed with a proper warrant, may enter a suspected house and arrest a criminal or seize stolen or contraband goods hidden there; but even this permission is much guarded and restricted. An officer may not enter any house at any time, but only when he has probable cause to

suppose criminals are hidden there, or crime being committed under its roof. And if he wishes to seize stolen goods concealed in this house, his warrant must describe the particular goods he expects to find there.

By reason of the Fifth Amendment, no man can be suddenly accused of a crime and immediately

<sup>Present-  
ment by  
grand jury.</sup> tried for it, with no warning and no time <sup>Amend.  
ment 5.</sup> to prepare a defence. It is provided that

no person shall be tried as a criminal unless the grand jury has decided, by the careful process of law already described, that he should be so tried. An exception is made for times of war, as it would then be altogether impossible to allow so long a process before determining the question of liberty or life. The

<sup>Courts-  
martial.</sup> President, being Commander-in-chief of the army and navy, has power to order the trial of offenders belonging to either body. These trials are by a military process called a court-martial, or court of war, and are conducted very differently from other courts. Their decisions, when approved by the President, are final, and their punishments cannot be altered, except by the President himself under the pardoning power. There have been some attempts to persuade Con-

gress to alter such judgments, but fortunately they have not succeeded, as such a course would soon ruin the discipline of the army. Courts-martial are held for all military offenders, even in times of peace, as the army and navy are always controlled by the rules of war. The militia also come under the same rules, while they are serving as soldiers. Except for such instances as these, no citizen of the United States can be tried and deprived of his property, his liberty, or his life, except by "due process of law," that is, according to careful and elaborate methods, so arranged as to make it certain that justice shall always be done.

Another provision for the safety of the citizen declares that no person shall be tried twice for the same offence. If a jury has once fairly acquitted a man, he should not be always in danger for that same old trouble. If the law has declared him innocent, he must be considered so by the community, and, unless he commits another crime, is quite safe. This refers to trials when the accused person is acquitted, the jury having decided that he is innocent of the charge made against him. This is a final decision, and the question cannot be re-opened. Nei-

A single trial.  
Amend. ment 5.

ther can a man be required to testify against himself when accused of any crime. This seems a very simple statement, but unhappy men have often found, in past times, that some such provision was necessary to prevent governments and courts from great cruelty. In some countries it was for years the principal method of convicting a criminal, to compel him to relate his own action, and a refusal to so testify was met by dreadful tortures.

In order to protect the property of individuals, as well as their lives and liberty, the State itself may not seize any man's possessions, even for public uses, without properly paying him for it. The good of the community is of more consequence than the good of any one person. If land or property is needed for the public use, it has always been held that the government itself has the right to take possession of such property for that purpose. Thus no man can prevent a railroad from going across his land, if the government decides that that route is necessary for the public, but the owner must be paid a fair price for his land. A man's rights cannot be disregarded without recompense, even for the good of the public. But there is no power which

Shall not  
be com-  
pelled to  
criminate  
himself.

Amend-  
ment 5.

Rights of  
property.

Amend-  
ment 5.

can possess itself of these rights simply at pleasure.

One of the privileges of a citizen is the right to a speedy trial when he is accused of crime. If it is unjust to a man to try him before he has an opportunity to make a defence, it is an equal injustice to leave him for a long time with an accusation hanging over him. Experience has shown this to be an easy method of persecution, therefore our Constitution forbids any unnecessary delay; it declares also that there shall be no secret trials managed in an irregular manner, but that every man accused as a criminal shall have plenty of time given him to prepare a defence, but shall not be obliged to wait unduly for his trial, shall know just the crime of which he is accused, and shall be able to confront and question the witnesses who claim to know of his crime. Moreover, in cases of life and death, the government itself will compel the appearance of witnesses in his favor, if he knows of such witnesses but is unable to procure them; and he shall not only be allowed a lawyer to manage his defence, but, if he is too poor to provide one for himself, the government will do so and pay for the service and that of the witnesses

A speedy trial.  
Amend-  
ment 6.

Public trial.

also if necessary. These are very just and merciful provisions, which do much to make it certain that every man, however poor or even wicked he may be, shall receive justice; but they are by no means common rights of all men. It is not a very long time that accused persons have been allowed witnesses and counsel in France or England.

Even a criminal has some rights, and these are carefully guarded for him in this Constitution. <sup>Punishment.</sup> <sup>Amend. 8.</sup> He may not be punished in any cruel or unusual manner, a common method of procedure to a most awful extent, in times past, and not unknown even now in some parts of the world. In all cases except an accusation of murder, he may give bail if he wishes, and he cannot be required to furnish so large a sum that it is not possible to procure it. These last provisions, which protect the criminal in the few rights left to him — the rights of a human being — and guard the man charged with crime, have been for two hundred years the privilege of all English-speaking people.

The highest crime known to nations is the crime of treason. <sup>Art. 3, § 3.</sup> The greatest crime against an individual is to take his life, but a traitor endeavors to take the life of a nation,

or that which is the life of the people. Governments protect themselves against this crime by every means in their power, and the severest punishments have been inflicted to prevent its increase. When treason is organized, and traitors are banded together to overthrow an old government and build up a new one, it is called a rebellion; but when the effort succeeds so that the old government disappears from off the earth, and a new one takes its place, as in France in 1871, or when the old government is set aside by a colony which becomes independent, as in America in 1776, it is called a revolution. In all these cases, as long as the old government stands, its subjects are bound to support it and obey its laws, and when they refuse to do so they become traitors, a course which is held by all people, everywhere, as one of the greatest and most shameful of crimes. Many governments still persecute their citizens beyond measure, by punishing them for treason on mere suspicion, not allowing the least criticism of the government. A modern example of this method is seen in Russia. She imprisons her citizens without trial or witnesses; she seizes individuals and banishes them to Siberia, simply because they are suspicious characters, she punishes with death

for participating in public meetings to protest against such action ; and often any or all of these severities are practised merely on the accusation of a single individual,—it may be one who is not only ignorant of the truth, but an enemy of the man accused. Nevertheless the government treats this accused man as if he were already proven the worst of criminals. Such proceedings are still considered necessary to put down treason in that country, and a hundred years ago they were common in all kingdoms. The wise and good men who made our Constitution took care to prevent their occurrence in the United States, and to ensure the actual freedom of this country. They therefore carefully explained what, and what only, should be considered treason. This was particularly necessary in a republic. Either there could be no right of free speech and no right of free choice, or treason must be carefully defined. Otherwise a man would be liable to this accusation at any time, for exercising the very rights the government had been established to maintain. The trial or punishment of any person as a traitor is forbidden, unless he is actually engaged in war against the government, or in some way has given aid or comfort to enemies of the government who

are making war upon it. This definition had been in use in England for many years, and had proved safe and just. The Constitution further provides that no person shall be convicted of treason except on his own confession in court, unless two persons can testify that they personally know him to have committed some deed coming under this definition — that he has himself been at war, or helped those who have been at war against the nation — and both must have witnessed the same act. Congress may declare what the punishment of traitors shall be, but it is forbidden (as we have seen) that the punishment shall affect anyone but the individual himself, and his property during his own life. Death was made the penalty of this crime, as has ever been thought suitable and necessary; but according to the eighth amendment of 1789, that common form of tyranny, death by torture as a punishment for treason, was prohibited. During the last twenty years, however, the United States has not enforced the death penalty in such cases.

By these various permissions and restrictions does our Constitution (in the words of one of our greatest lawyers) endeavor to promote harmony, good order, and justice at

Freedom  
thus pre-  
served by  
the law.

home, and preservation of peace and commercial intercourse abroad. Thus do we find that law increases the liberty of the citizen, by enabling him to live at peace with his neighbor, and undisturbed to pursue his own life. "Where there is no law there is no freedom," and this, the freest people under the sun, maintain and preserve that liberty by careful obedience to law.

## THE CITIZEN.

**A government of the people, by the people, and for the people.**  
— ABRAHAM LINCOLN.

### AMENDMENT I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

### AMENDMENT II.

A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

### AMENDMENT III.

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

## ARTICLE IV.

### SECTION 2.

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service

or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

#### AMENDMENT XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

#### AMENDMENT XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member

of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

#### AMENDMENT XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

#### ARTICLE I.

##### SECTION 2.

The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

## CHAPTER XII.

### THE RIGHTS AND PRIVILEGES OF A CITIZEN OF THE UNITED STATES.

IT has now been shown in what manner the nation is governed, what are the duties of its officers, and how the Constitution guards the government itself, to make certain that it is, and shall always remain, the government of the people. But the Constitution reaches farther than the government; it regards the citizen, and makes sure in certain ways besides those already mentioned that he shall not be oppressed by that government. All these privileges carry with them some duties under the law, and some which are determined by custom, but which it is necessary for a good citizen to understand and perhaps to undertake. We are fond of boasting that this is the freest country on the globe. An effort has been made to show how carefully the government is arranged to make this true, while yet giving to the nation such a strong, vigorous head that it may be

The citizen.

successfully carried on from day to day, that it may preserve this freedom, and endure from generation to generation. But, notwithstanding this, it would be anything but a free country if the individuals in it were not protected in certain rights; and it would be in no sense a government by the people if the people did not make the government. It remains to be seen how the individual is guarded, and what he must do with the rights of a freeman. Some of these privileges were established by the Constitution when it was first adopted, and some were added to it a few months afterwards as amendments. It took but a little while to show that important concerns had been omitted from this paper, and the lacking provisions were supplied at an early date. As they are all now a part of the same Constitution, and are equally the law of the land, it will be more convenient to consider them without any reference to their original order.

Some of the most valuable and important rights  
Rights of a  
freeman.  
Amend-  
ment 1. we have are guaranteed to us in the first of these amendments. It is there made certain that this is, and always shall remain, a free country. Congress is forbidden ever to make certain laws, so that not only are we now at liberty to follow our own choice in certain

matters, but Congress itself cannot disturb this liberty, — unless, indeed, all the people wish it enough to change the Constitution itself, — a result not likely to happen while men love freedom. One of these great rights secured to Americans is the right to hold any religious belief they choose, or none at all. Whether a man has any religion or not is a matter which concerns himself and his God alone, but it has always been one of the directions in which rulers have delighted to exercise their power. Sometimes they wished all their subjects to hold a common religion, because this would more closely unite the country; sometimes their genuine devotion to some particular form of worship was such that they compelled their people to follow that method. Even those kings who were most willing to give their subjects liberty of choice insisted that the State must hold to some religious form which it should publicly uphold and support. In a monarchical form of government this is probably the only logical course, but our forefathers did not believe such an idea consistent with real freedom. They were, moreover, beset with a practical difficulty. The colonies differed widely in their views of religion, and this was Religious freedom.

a point on which none of them were likely to yield. The very convention which formed the Constitution contained Puritans from New England, the free-thinking Franklin of Pennsylvania, and the Roman Catholic Carroll of Maryland ; and the first congress, which proposed this first amendment, differed quite as widely. It was evident that liberty of worship was not only essential to a free state, but a vital necessity to this government. It was therefore provided in the Constitution that Congress should neither forbid the exercise of any kind of religion, nor establish any kind of worship as the state church.\* In later times an effort has been occasionally made to introduce into this document a clause declaring that the people of the United States believe in a God. Such a declaration is still as contrary to our fundamental political idea as at first. Unfortunately there are many people in this country who do not believe in a Deity, and our Constitution must speak for them as well as for the rest of its citizens. In a free country the civil and political rights of an atheist are just the same as those of a Christian. His duties under the law are just the same also, and neither of them may break it

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\* See also page 93.

even in worship, for the law concerns the rights of others. While a man has complete liberty for himself, he must take care that it does not interfere with the liberty of his fellows. He may not kill his child as a religious sacrifice without suffering for it. Citizens of the United States may have such religion as they choose, but they must not break the law in its exercise. This is not because law is higher than religion, but because government is not concerned with man's relations to God; it is only a convenient arrangement for managing his relations to his fellows, and in this particular its laws must be obeyed. Governments, on the other hand, have been slow to learn that men's beliefs and hopes are beyond their jurisdiction, and that their only concern is with the relations of man to man. This is still the only great nation where an individual has exactly the same rights, whatever his religion may or may not be, and where the government itself protects him in any form of worship he may establish without itself favoring one above another.\* The history

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\* Certain *States* still have bad laws on this subject, but this does not alter a man's relations to the United States, and his privileges as a citizen of the *nation*; but no State goes so far as to have an established religion, as this would *antagonize* the Constitution directly.

of the world shows that this is one of the greatest privileges ever secured to man, and one which he has seldom been able to secure.

Another right belonging to the people of the United States is the right of free speech and a free press. This is also a point where

<sup>Freedom of speech.</sup> **Amend-  
ment 1.** there has been much tyranny, and on which certain governments that do not like to be called tyrannical are still very arbitrary. A government which is not founded on the will and choice of the people cannot well avoid this severity, for freedom of speech is not only a privilege of the people, but in some respects it is a mark of a free country. If a man may say what he chooses about the government, and constantly print articles complaining of his rulers, he will speedily excite discontent; but if it is a popular government, these rulers can be changed, and affairs will go on smoothly again. If such a course were allowed in a country ruled by a monarch, this discontent would be dangerous to the throne. There are three great countries which just now illustrate very well the necessity and the advantage of free speech, as well as some of its dangers. Russia is ruled by an absolute monarch, whose own will takes the place of law, but the people are

determined to gain some share in the government. Therefore the Czar is afraid to let them talk and write what they think, lest it stir up a war; consequently newspapers are not allowed to print anything unsatisfactory to the censors of the press. Men who write such articles are severely punished, and persons who distribute such literature are exiled or imprisoned. France is ruled at this time according to republican forms, but France is very much afraid of letting her citizens find fault with their rulers, and has made a law under which men who have printed anything hostile to the government may be imprisoned and the newspaper seized. The United States, being governed by its own people under the control of their own laws, allows every man to say or print exactly what he pleases, if he does not break the law. He may find fault with it to his heart's content. We think it is like the steam in a tea-kettle. If there is a way of escape it is quite safe, no matter how much steam is made; but if the kettle is shut up tight, it will immediately burst from the force of the steam. This freedom of speech has an important qualification. When a man interferes with the rights, or damages the reputation, of another, in print or in speech, he may be

tried in a court, and punished if he is found guilty. By common consent, however, public matters and public persons may be discussed to almost any extent, and this is one of the dangers of such liberty. The newspapers of the United States now do much harm by careless or malicious criticisms of the government, and officers belonging to it. To forbid the discussion would only employ a remedy worse than the disease, and it is better on the whole to permit it; but it would seem that there should be some method of restraining the abuse of this privilege. A part of the freedom of

<sup>Freedom of</sup> speech is the right to send what letters  
<sup>the mails.</sup>

you choose. We seldom remember how many of the privileges which seem as natural as the air we breathe are really a debt we owe to our forefathers. There are countries where, to-day, the government may open any letter, and post-office officials have been known to alter letters to suit their own views! This nation is so determined on that point that there is no way in which a letter may be legally taken out of the post office for any proper and necessary reason, except by its writer, until it shall have reached its destination. The government itself cannot get possession of letters (or even telegrams) when it seems necessary that it should.

Congress is forbidden to make any law preventing the people from assembling for any peaceable purpose. This, again, was one of the difficulties which beset the colonies, and it was therefore expressly stipulated that if the people meet peaceably they shall not be hindered from assembling together. Most of the States have laws of their own by which riotous assemblies can be dispersed. The proper officer orders such a crowd to go to their homes quietly, and if they do not comply, they remain at their own risk. It is then their own fault if they are driven away by guns and bayonets. But it must be evident (on account of this constitutional provision) that it is not a peaceable assembly, before any such course can be adopted. The people of the United States may meet together as often and as much as they like, only it must be in peace and quietness.

They may also petition the government to change any law that proves oppressive, or to make any new laws that seem to be necessary, or ask attention to any trouble that afflicts the public. It has been already shown that in this country the people do rule themselves so thoroughly, that this has become a mere matter

Right of  
assembly.  
Amend-  
ment 1.

Right of  
petition.  
Amend-  
ment 1.

of form, but it was one of the principal difficulties in 1775, when the colonists could not make King George listen to their petitions. No matter how much the laws or orders of the government oppressed the people, the King would not listen to any request or petition from America. Very naturally, therefore, one of the rights they most wished to preserve and insist upon was the right to petition the government. And much later in our history, a fierce dispute arose in Congress over the right to petition upon any and all subjects. It is not impossible that the time may come again when we shall need this provision, now apparently of so little practical value.

The second of these early amendments to the <sup>Militia.</sup> <sup>Amend.</sup> <sup>ment 2.</sup> Constitution provided for a militia, and allowed the people to keep and bear arms in time of peace. The militia are the citizen soldiers of a country. Able-bodied men between certain ages are required by the government to stand ready to defend it if necessary. As men cannot be soldiers all at once, but need some training and discipline in the art of fighting, most nations keep large standing armies in order to procure a force which is sufficiently experienced to be of any use in time of war. We consider

this expensive, dangerous, and altogether undesirable. Moreover we are not likely to need an army often, as, on account of our situation, we are not liable to the quarrels which so frequently occur in crowded Europe. Occasions often arise however, when soldiers are wanted for a short time or suddenly, as in the great riots of Pittsburg and Cincinnati. The police could not quiet the mob, and the assistance of soldiers was necessary; but our army, which is most of it in the far West, could not be brought home for this service. It is for occasions like this, as well as to furnish a body of trained citizens as volunteers in case of war, that we have a militia. The defence of our homes being a local matter, the militia concerns the States rather than the nation. Each State has certain laws which provide what classes and ages of men in its borders shall be liable to such service. Anyone from this list may volunteer to be trained as a soldier, and regiments are formed, with captains and colonels and all the officers and system of an army, which are drilled frequently, and often go into camp as if in war. Thus they learn all the habits and duties of a soldier, but as all of them have some other business, except during the short time when they are drilling, they are neither as expen-

sive as a regular army, nor as dangerous to the community and the government. Whenever they are needed for any purpose, the Governor of the State orders them out; then all the men belonging to the regiment ordered to service immediately leave their other occupations and become soldiers for the time being. As they are under the control of each State, their expenses are borne by the State; but if they are needed by the national government, the President asks the Governor to furnish so many militia, which he immediately does, and during the time that the national government is using this force, the President is their commander, and they are taken care of by the nation, Congress making provisions for them just as for the regular army. It is usually assumed that the militia is only for the purpose of defending the country, and cannot be asked to go to a foreign land to fight, but this is a question which concerns the people of this country very little. The practice of forming such a force of citizen-soldiers is a very old one, and is kept up in some form by almost all governments. It has always been considered very important in England, and our Constitution speaks of it as "necessary to a free State," meaning probably that without a force

which could be quickly and readily used, we could never be secure from attempts to seize the government and alter its form.

Lest an indirect effort be made to interfere with the Republic, the Constitution goes on to forbid any law preventing the people from keeping and bearing arms. A law prohibiting the use of weapons would take away all possibility of resisting any injustice, and this method of depriving freemen of their rights was by no means without precedent in English history. Remembering this, our forefathers made it a part of our fundamental law that the militia should be organized and preserved, and that, to that end, anyone should be allowed to "keep and bear arms." But it has been carefully explained by statute that this does not allow the carrying about of pistols and other concealed weapons. This practice is dangerous in every way, both on account of the rash action of angry men, and the added danger in occasions of tumult and riot. Men are therefore forbidden to carry weapons ordinarily, but this has no connection with times of war or public danger, and does not alter the liberty to keep arms or carry them if necessary for the public safety.

Right to  
bear arms.  
Amend-  
ment 2.

<sup>Quartering soldiers forbidden.</sup> **Amend. 3.** A favorite method of oppression about the time of our Revolution was the quartering of soldiers in a man's house without reference to his own wish. This was troublesome and expensive, often cruelly so, and in every way vexatious and burdensome. It effectually prevented any freedom of action, for no man could oppose the wishes of a ruler whose soldiers were located in his own house. This is one of the special prohibitions of our Constitution, which seeks to guarantee perfect freedom of action. It can be done only in time of war, and then according to forms of law. A man's house is his castle. He cannot be compelled to receive there any person to whom he does not wish to open his doors, and, as we have already seen, he is there safe from search and seizure, unless he has forfeited that security by his own crime. The freedom we enjoy in this way alone is beyond price, but we have come to consider it a matter of course, and forget that it is founded on law.

<sup>Privileges of a citizen.</sup> All these rights are secured to the people of the United States, man, woman, and child alike, because they are rights belonging to human beings, which it would be cruelty to deny. There are certain other privileges however,

connected with the government, and which are granted by it. The Constitution gives directions as to these also, in order that a man may have not only those rights which will protect his life and happiness, but those privileges which concern him as a citizen. The Constitution (being the law of the whole land) declares that a person who is a citizen in one State shall have all the privileges of a citizen in the other States. That is, if a man dwelling in one State goes to live in another, he shall have all the rights and privileges with regard to his person and property that he would have possessed if he had been born in his new home. This is very different from allowing him all the privileges that he possessed in the State from which he came. In Wyoming, women are allowed to vote, but if a woman born in Wyoming should move to Pennsylvania, she could not vote in her new home, because the laws of that State do not permit it. On the other hand, if she moved from Pennsylvania to Wyoming, she could not be prevented from voting in Wyoming because she was not born there, but was born in a State where she had no such right. A person has all the rights—and no more—given him by the State in which he dwells at the time. This pre-

Privilege of  
citizenship  
in all the  
States.  
Art. 4, § 2.

vents any State from setting up regulations intended to keep any class of people out of its borders; but it does not permit any State to interfere with the laws of the rest, by making peculiar regulations of its own, which must be obeyed everywhere. In Massachusetts a man must be able to read and write before he can vote, but New York is not so strict, and it would be very unfair to Massachusetts if all the men coming from New York could vote there, whether they could read and write or not, simply because they could vote in New York. Therefore a man has the rights of his present residence, whatever they may or may not be. This law would result most unwisely if it were not specially provided that it <sup>Criminals</sup> should not apply to criminals, for our coun-  
<sub>not pro-  
cted.</sub> <sup>cl. 2.</sup> try would be the paradise of rogues, if a man who committed a crime in one State could run away into another and possess all the rights of his new home. If he is charged with a crime, he must answer for that crime, wherever he may have fled. But to protect innocent persons from constant false accusations and similar annoyances, the man who has run away from punishment must be legally demanded by the Governor of the State in which he broke the law. This official makes a

“requisition,” or written declaration addressed to the Governor of the State where the criminal has taken refuge, setting forth the fact that the man is charged with a crime in the first State, and his presence is accordingly required there in answer to the charge. The Governor receiving this paper gives authority (on account of it) to the officer who brings it, to arrest the fugitive. The criminal is then taken back to the State whose laws he has broken, there to suffer his trial and imprisonment. Often a man, on coming out of prison, will find that the officers have the necessary requisition to take him somewhere else, to be tried for another crime. Much care is taken that men who have broken the laws shall not avoid the punishment by any special privileges granted by the Constitution to good citizens, and the telegraph and telephone now make it almost impossible for any criminal to escape.

There is in the Constitution still another restriction of this privilege, which became very famous because of a case that arose under it, and a decision of the Supreme Court as to the meaning of the clause. This restriction was intended to affect the slaves. Some of the States allowed slavery, and some did not; and a slave who had escaped from the State

Exemption  
of persons  
held to  
labor.  
Art. 4, § 2,  
cl. 3.

where he was owned to one where slavery was prohibited would become a free man, according to the provision that a person had all the rights of his new home. To meet this difficulty, it was expressly stated that no "person held to service or labor" in any State should become free simply by escaping into some other State with different laws. "Slaves" were not mentioned by that title, as it was an evident contradiction to provide for keeping men in slavery in the very Constitution founded on their right to liberty. It was a curious supposition that there was any less contradiction while the law was there, by whatever name the slaves were called! Under this provision there

<sup>Dred Scott</sup> arose a great and famous lawsuit over a case. slave named Dred Scott. This man was a slave owned in Missouri, from which place his owner took him to Illinois, a State forbidding slave-holding, and to Minnesota,—then a Territory,—where, by a law of Congress, slavery was also forbidden. Afterward, he was taken back to Missouri, and while living there, at this time, he was whipped by his owner for some offence. Dred Scott at once sued his master for damages, claiming that, as he had lived so long on free ground, he could not again be made a slave. He

also claimed that, as the Constitution expressly stated that persons held to labor who "*escaped*" to free States should not thereby become free, this provision did not refer to slaves who were carried into such States by their owners. His owner argued that it made no difference where Dred Scott had lived, as he never was a citizen, and could not become free by living in a free State. At first the case was decided by the circuit court of Missouri in favor of the slave. It was appealed several times, and finally the Supreme Court decided, in 1857, that neither of these provisions freed the slave. The decision was, first, that a negro was not a citizen, or even a person, but only property called a "*chattel*," because it was human property. This property could be taken everywhere, like horses, or any other possession. The law of Congress which prohibited slavery in the Territory of Minnesota was also declared to be contrary to the Constitution, and without force,—the reason for this last part of the decision being that the prohibition was founded on this second clause of section second, article four, but this cause had no proper connection with slavery, slaves not being persons. Accordingly, the decision of the Supreme Court being final as to the

law, it all at once became law all over the country that slaves were not persons, but chattels or property, and, as such, did not come within the meaning of the Constitution. This case made great excitement, and became very celebrated. Although, slavery having been abolished, this third clause is no longer of any practical value (except in the case of apprentices, when it is seldom, if ever, used), it is of great historical importance, for it has been more disputed than almost any other part of the Constitution. And since the day when black men, as well as white, were declared persons, it is the second section of the fourth article which secures liberty to every man to go and come as he chooses.

It cost the nation much money and blood, spent in a long war, to secure to all persons these unquestionable rights; and when, at last, we had secured them, three famous amendments were added to the Constitution. The first (the XIIIth) forbids slavery within the borders of the United States. The second (the XIVth) declares that every man born in the United States under its jurisdiction, and all naturalized foreigners, are citizens of the United States and of the State in which they live, and shall have

Amend-  
ments re-  
lating to  
slavery.

all the privileges and rights of such citizens; and it further provides that no State shall deny to any man his right to vote, without losing some part of its representation in Congress in consequence. The third of these amendments (the XVth) forbids the United States, or any State, to hinder any man's voting because of his race, his color, or because he has been a slave. These three famous amendments are the result of the War, Causes and history of these amendments. and need a brief glance at history to be understood. At the beginning of our nation, many States allowed slave-holding. As time went on, this practice increased greatly, although, for various reasons, the North gave it up at an early period. The Southern States, depending largely upon black labor for their prosperity, became altogether slave-holding States. They believed it was not only right, but necessary to our success as a nation, since we could become so much richer and more prosperous by means of the labor of the slave. They also believed negroes to be too ignorant to care for themselves, and too stupid to learn, so that it was a kindness to take care of them, and most of the South considered the black man scarcely more than an animal, created and particularly fitted to work for the white

races in hot climates. Many Northern people also held the same ideas; but eventually most of them learned that the negro was ignorant and stupid because he had been neglected and downtrodden, and really differed from the white man only in his color. Great bitterness arose over the question of slavery, and much disputing in Congress. As the country grew larger, and new States and Territories were added, the South wanted the liberty to take slaves into them, and the North was determined that they should be free States. Sometimes one party triumphed, and sometimes the other, but usually the South could control Congress, and thus the laws. One reason for this was a curious provision in the Constitution by which the South had more congressmen in proportion than the North. Although the slaves could not vote, they were counted as inhabitants. Each negro did not count one, however, but three fifths of one. The more slaves there were in a State, the more congressmen they had, although the number of voters might be less than in other States. By this plan the South had so many congressmen that it could control legislation, but if a large number of new free States were added, this control would not continue. In fact, it did come about that

the North gained the control in Congress, and elected its candidate for President, Mr. Lincoln. The South then asserted the belief, general in that section, that we were not a "nation," but a number of separate nations, called States, joined together for convenience, and as it had now become inconvenient to remain united any longer, they seceded (or went off by themselves) for the purpose of making a new nation. The North claimed that the United States was not a compact of different States, but one nation, and that the national government had control over all the States.\* This, in brief, was the question over which the civil war was fought,— the question whether the nation should control the States or the States the nation; and the difficulty over which the trouble arose was the other question, whether slavery should be allowed, not only to exist, but to increase and spread itself.

At first the government endeavored not to meddle with those States where slaves had always been held; but it was soon evident that it was necessary to put an end to slavery everywhere, and in 1862 President Lincoln issued a proclamation declaring the slaves free. The war lasted about

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\* See page 382.

four years, and at its close the nation had conquered the seceding States, and settled both the disputed questions; the authority of the national government was upheld over all the States, and slavery was forever ended in the United States. A few years afterward, to fix this last point in the law where it could not be removed, these three amendments to the Constitution were adopted.

**Slavery prohibited.** First of all it was declared that slavery should no longer exist in the United States, or in any place under its control.

**Amend. ment 13.** Then it was defined and explained that every man born in the United States (subject to

**Rights of citizens.** its jurisdiction), and such foreigners as had shown their desire to become so, should be citizens, and should not be deprived of their liberty or their rights unless they were criminals.

**Amend. ment 14.** And furthermore it was expressly declared that thereafter no man should have his right to vote as a citizen of the

**Right to vote.** United States taken away from him because he was black (or any other color), or because he was not an American, or because he had once been a slave. At last it was actually the land of the free. All that we had claimed for it as the home of liberty was true; and to more than four millions of our

people these three amendments are what make it so, and are the gateway to all the other privileges and hopes of an American.

It is still necessary to discover what makes a person a citizen of the United States. All persons born in the United States (unless <sup>Conditions of citizenship.</sup> they are the children of actual subjects of some foreign power) have this privilege by natural right. If a Frenchman travelling here should have a child born to him, the child would still be a French citizen. This would not be true in all countries, for there is a great difference of opinion as to what constitutes a citizen, and every nation makes its own definition. In this country the word is used to mean two things. Any person born here under the laws of the United States is a citizen with *rights* of liberty and protection; but when the *duties* of a citizen are referred to, only a certain portion of the inhabitants are meant. Women and children are citizens who must be protected by the government, but not citizens who are required to defend it. This makes some confusion occasionally, but at present we are concerned with the rights of citizenship, leaving its duties for further consideration. Any person whose father is a native citizen of the United States is

himself a citizen, no matter where he may happen to be born; and all foreign women who marry citizens come under the United States protection. There are various ways in which these privileges may be lost. Criminals lose them to some extent, as well as women who marry subjects of other countries; an American girl who marries a German, for instance, becomes a subject of the Emperor, and cannot claim any care or protection of the United States. The President's daughter, it will be remembered, once married an Englishman, and ceased to be an American. A temporary absence in a foreign land does not deprive a person of citizenship. He may go abroad and live for any length of time, but when he comes back he is just as much a citizen as ever; and while he is in foreign lands the government will protect him, if trouble should arise. It is possible, however, to move to any country, and by some legal process become a citizen of that land. A Frenchman must first get the permission of his government, or when he returns to his own country he is liable to be called upon to support that government by his money, or even by fighting for it. Germany seems to claim a similar control over her sons. Until very lately, England

insisted that, once an Englishman, always an Englishman, and no Briton should be allowed to become a citizen of any other land. We have, however, made treaties with most of the great nations of Europe, by which, whatever their own laws may be, any of their subjects emigrating to the United States, and becoming citizens, cease to owe any allegiance to their native land.

If a man who once belonged to a foreign nation wishes to become a part of this <sup>Naturalization.</sup> nation, it is necessary for him to show it in some way, and there is a regular process by which it is done, although the conditions are very easy. In order to be sure that he really intends to live here, and that he is familiar with our institutions, he cannot become a citizen until he has first lived here five years. At the end of that time, if he has given notice of his intention two years before, he may take an oath before the judges of one of the principal courts, swearing to be true to the United States government, and he becomes, by this simple process, a citizen of this country. He must, however, be a person of good moral character, and he must show that he is interested in the government and its constitution. In fact these two provisions are of little practical

effect, for men are seldom refused the privilege of citizenship on either of these grounds, however advisable it might sometimes be. A foreigner (or alien) must renounce his allegiance to the nation where he was born, by swearing that he does not wish to be any longer a citizen of that land or subject of that ruler. If he is a nobleman he must give up all his titles and privileges of rank, because hereafter he will be a citizen of the United States, where we have no titles. These conditions being complied with, the new citizen is given a certificate of the fact which proves always, under all circumstances, that he belongs to the United States. It includes in his privileges his wife and all his children, unless they are over twenty-one years old. There are some special provisions relative to soldiers and sailors, who are not required to have lived in the country so long a time. It is taken for granted that, as they wished to defend the existence of the country, there is no doubt that they are sincere in their desire to become citizens.

The two objects of citizenship are allegiance <sup>Protection</sup> and protection,—a determination on the <sup>of citizens.</sup> part of the individual that he wishes to share the fortunes of this government, and be

loyal to it; and a promise by the nation that, in return for this devotion, she will protect him against all enemies. This is the give and take of governments. It is this promise that makes it possible for a man to live and work in safety, but it would be of small value to him if it failed when he most needed it; when for business or pleasure he went away from home, if his government ceased to protect him, he would have little or no opportunity for business, and his liberty would become a sort of exile. Therefore a man's government protects him wherever he is. When the king of Abyssinia seized four Englishmen and refused to give them up, the British government spent millions of dollars in a war with that monarch to recover the captives. If France and Germany are at war, and the inhabitants of besieged Paris are in great danger, the American minister, representing the United States, protects all the American citizens who happen to be in the city. All the power of a great nation stands behind her citizens and will protect even the humblest under all circumstances when right and justice will permit. It may be a native citizen, or one who has come here from a foreign land,—all the same she stretches her great hand over him, and protects

his life and liberty and possessions. But he may not go back to the country from which he came out, and break the laws thereof, and claim that he cannot be pursued because he is an American. It is a poor return for the care and protection of the United States, and shows little appreciation of the welcome she offers to the oppressed and afflicted.

The rights of a free citizen are no light treasure.

*Value of the rights of a free citizen.* Men have died since the world began, and are still eager to die, to secure these rights and privileges. But we are free born. Other men have left home and friends, and with a great price have secured this freedom. It remains for us all—we who are sons of Liberty, and we who are her adopted children—alike to watch and protect her, guarding her from insidious snares, and from the neglect of her own, as well as from open attack.

## CHAPTER XIII.

### THE DUTY OF A CITIZEN OF THE UNITED STATES.

EVERY country requires certain duties of its citizens in return for its privileges and protection. Some nations ask only loyalty and obedience; this nation asks help in directing its affairs. We believe that nations are best ruled by the decisions of the people themselves, and the government made by the people decides what part of the people (if any) are not competent or suitable to assist in these decisions. Thus the right of voting, which is nothing but the duty of deciding how the government shall be managed, does not belong to every human being as soon as he is born, but to such persons as it seems best to the people to trust with such authority. It is a very great privilege and opportunity, and one which a man should prize too highly to neglect or treat carelessly. To secure this right, the United States was founded; and to sustain it we have fought four great wars, we have spent billions of dollars, we have sacrificed Duties of the citizen. Voting a privilege.

everything that men hold dear, that principles which were dearer yet might be upheld and the nation preserved. We have grown and flourished under a wise system until we are one of the great nations of the globe, with powers and opportunities which give promise of a foremost place; and we have endured such strain upon our institutions as would seem proof of strength sufficient to hold us together even when we are most weak. Yet all this fine structure will surely crumble and fall

<sup>Voting a</sup> <sup>duty.</sup> under the weight we ourselves have put upon it, if we do not seriously and conscientiously take up the duty of the vote, if we do not realize the privilege and the great individual responsibility it brings us. Who then may vote, and how is it done? Not every individual, for absolutely universal suffrage has never proved successful, and is an impossibility. Certain classes of the community are omitted when the duty of governing is concerned, some from sheer inability to perform this duty, and some because the government considers it wiser not to include them in this privilege.

In this country three things must be true of <sup>Conditions</sup> <sup>of voting.</sup> every voter; but, these three things being true, he may be rich or poor, wise or

simple, President or laborer,—he stands on the same political level, and shares equally with his fellows the decision of our political affairs. He must be a citizen of the United States, either by birth or naturalization. It is perfectly plain that a country cannot be safely governed by men taking no interest in its affairs, and having nothing to do with its welfare. He must be twenty-one years old, for neither could a country be well governed by children, and this is the age at which a sort of common consent of mankind declares a youth to have arrived at manhood. The citizen must be twenty-one years old, and, in order to vote, he must also be a male citizen. The world has always believed that the judgment of men is better in matters of government than that of women, and nations have stood against all sorts of pressure to give women a share in these affairs. There have been some famous queens and empresses, but this has not changed the general opinion that only men are concerned with government. It is sometimes argued that in olden times ruling and fighting depended upon each other, but that at the present time, governments are sustained by money, and women who pay taxes have the right to share in governing. As there is no

*right* to help govern, but only such a *privilege* given by the people to whom they choose, this argument is not sufficient. The present restriction of this privilege to men may or may not be wise, or even just, but it is a fact; and it will probably continue to be true for a long time to come, that a voter for the officers of the United States government must be a male citizen twenty-one years old. The Constitution

Qualifications in the States.  
**Art. 1, § 2.** specifies no other conditions necessary to a voter, but allows each State to settle that matter for itself.\* The privilege of voting for congressmen is given to such persons as are allowed by any State to vote for the largest branch of its legislature. Each State may add its own qualifications, provided of course that they do not interfere with the Constitution.

All the States require that the voter shall reside in the State, and in that particular part of it where he proposes to vote, otherwise men might easily be taken in large numbers from one region to another at election time, in order to alter the

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\* There are one or two States which allow women to vote for certain officers of the State itself, and to fill such offices. But this does not apply to national offices. Congress probably would not allow women in that body even if they should be elected.

vote of some State or locality. The object of many of these provisions being to secure the representation of every part of the country, this can only be accomplished by requiring that voting and residence shall go together. A variety of other conditions are required by the several States. In Pennsylvania a voter must pay certain taxes; in Rhode Island he must own certain property; and in Massachusetts he must be able to read the Constitution and write his name. These restrictions are sometimes considered unjust, but while they may be unwise, they cannot be considered unjust; there is no occasion for complaint if the people choose to limit the conditions of their own action, and to somewhat restrict the privilege they have themselves granted. There are some cases in which the right to make these restrictions is very plain; children obviously cannot vote, nor persons without mind. But the same reasons which give to the people the right to deny the vote to those incapable of using it, give them the same right to deny it to other classes—paupers or ignorant persons—if they see fit. To repeat, the people who give the privilege can take it away. In practice, some of these conditions have proved very useful and valuable.

Thus some States deny suffrage to the very ignorant, who cannot tell how they are voting; others believe that a man with no property at stake will not care how the country is managed, and cannot safely be trusted with a vote. Almost all the States refuse to allow suffrage to the paupers in their poorhouses, lest they be bribed or abused by the officers in charge of them. Such laws would directly contradict the theory that the people should share in the government, and would create oppressed classes (as it is sometimes claimed that they do) if the people themselves did not decide upon the conditions. The people can therefore do away with these same conditions at any moment; but so far they have preferred to retain some such rules. And again, all these restrictions are temporary as far as an individual is concerned. Any ignorant man may learn enough to vote if he really chooses to do so, and every pauper may gain the right of suffrage as soon as he is willing to be industrious. He simply chooses for himself to remain outside the simple conditions; and it being the choice of the people to preserve this discrimination, and the choice of the individual to suffer from it, no fault can be found with the result.

A man who is qualified to vote — that is, who comes under the conditions required in the State where he lives — must first go before certain officers specially appointed for the purpose and satisfy them that he is entitled to vote, that he is twenty-one, and either a native citizen or has the necessary certificate to show that he is naturalized, and whatever else may be necessary in that particular State. The exact manner of doing this differs very much in different places, but the main thing to be done is the same everywhere, and its use is to prevent frauds and to serve certain purposes of convenience and despatch. In most of the States, printed lists of the voters are posted in some public place a few weeks before the election, in order that every man may discover whether his own name is there, and, if any mistake has been made, may rectify it in time.

The next step is not a matter of law, but of custom, although practically it is one of the most important. It is necessary to find some one for whom to vote. When election day arrives, if every man voted for some individual whose name had just occurred to him, no result would be possible, but we should have an infinite

Laws and  
customs of  
voting.

Register-  
ing.

Candidates.

variety of persons voted for, and none of them with the necessary majority. There must be a sort of common consent to confine the voting to a comparatively few candidates, and in order practically to accomplish this, such names are selected beforehand. This custom does not require any man to vote for the proposed candidates. It only suggests their names, and thereby makes it possible that one of them may secure an election. It might also happen, if candidates were not previously selected, that the persons chosen could not serve, and much trouble and confusion would result. The manner of selecting these candidates follows that main idea of our government that the people shall choose representatives to do the work of governing for them. A custom has gradually grown up of gathering together to choose men who shall make it their business to find and nominate a suitable person as candidate for the votes of his fellows. Several such candidates being selected by different gatherings of the people, the voters choose between them at the election, and one or the other is elected. It is obvious that this is the only practicable method.

The States are divided into districts, each privileged to vote for certain officers of their own, as

well as to share in the general election. In each—even in the small districts made for convenience in the cities—there are <sup>Caucuses or primaries.</sup> preliminary meetings to pick out these candidates. Sometimes such gatherings are called caucuses, and sometimes primaries. Notice is given through the newspapers, or in some other public manner, that the voters of a particular district are requested to meet on some given date and choose candidates for the coming election. When this meeting occurs, it is conducted regularly and carefully, according to the parliamentary rules for public assemblies. Men are suggested, speeches are made on both sides, and the question of who shall be nominated is finally decided by the votes of the majority. The primaries or caucuses do not make the nominations directly. They select delegates to go to a convention for the purpose of choosing the candidates, and these delegates meet others, so that the convention represents all the people of the district, whether it be large or small, and it is this body which nominates the candidates. On account of different habits of thought, the people have everywhere divided into two or three bodies called parties. All those men thinking alike on certain important <sup>Political parties.</sup>

questions relating to managing the nation belong to one party, and all having a different opinion belong to another. At present there are only two prominent parties, the Republican and Democratic, representing two lines of opinion, which have existed since the establishment of the government. Each party holds its own caucuses and conventions, and selects its own candidates, one or the other of which are voted for by all men holding opinions of a like nature to the man chosen. Of course there are in each district as many of these conventions as there may happen to be parties. All this is custom, not law, but it has grown up gradually as the simplest, and, on the whole, the best way to arrange this matter of selecting candidates, and it has become so settled a habit that it has almost the force of a law.

There are other customs usually preliminary to an election, but by no means necessary <sup>A campaign.</sup> to it like the selection of candidates. In each of the districts mentioned, and in the different towns and villages comprising it, committees are formed by each party, to attend to the preparations and details. The whole process of nominating candidates, persuading men to vote for them, and the election, is commonly called "a campaign,"

and it is customary to speak of the campaign of a certain year, as the campaign of 1876 or the campaign of 1884. These campaign committees have various duties. Among the rest they are expected to inform the people in some way of the merits and demerits of the different candidates, and of the questions at issue between the parties. This is done by printed matter,—newspapers, pamphlets, and even books; and largely by public meetings in which speakers address the voters and endeavor to persuade them to one view or another.

Another duty of these political committees <sup>A canvass.</sup> is called “making a canvass.” A list of all the voters is made, with some indication of the party to which each belongs. Men whose choice is doubtful are sought by the friends of both candidates. On the election day itself these committees take pains to see that every man on the list has voted. It is probably unnecessary to state that the committee of each party attends only to its own list. If a man is away from home, he often returns in time to vote, even if he must take a long journey. All this care is necessary, because sometimes an important election is lost or gained by one or two votes.

Originally all elections were decided by the

vote of the majority; that is, the man having more votes than *all* the other candidates together was elected. A plurality is now enough to elect in most of the States; that is, the man is chosen who has more votes than *any other one* candidate. Thus in 1884 the election of Grover Cleveland to the Presidency was determined by the vote of New York, but in that State he had only a very small plurality, about twelve hundred votes, which was many thousand less than a majority.\* A curious instance occurred in Connecticut at the same election. By the laws of that State, the vote for President is decided by a plurality, as in other States, and the vote was Democratic by a few hundred votes. Connecticut however, still requires a majority of votes to elect a Governor, and as these few hundred were much less than a majority of the votes cast, no Governor was elected by the people. According to the laws of that State, that officer was thereupon chosen by the legislature.

In some sections of the country, the excitement always accompanying an election runs so high that actual fighting is not uncom-

<sup>Use of troops.</sup> \* The term "majority" is generally used instead of plurality, except when it is necessary to mark the difference.

mon, and troops have even proved necessary to keep the peace. This is a very unpopular measure, however, as there is much fear that soldiers will be used to intimidate or frighten voters out of their real choice. The United States, however, cannot use its troops at an election, even when it is necessary for the protection of voters, unless United States officers are to be elected. The elections of the States concern them only, and cannot be interfered with, for good or evil, by the general government.

The voting is actually done by means of ballots, publicly deposited, on the appointed day, <sup>Voting.</sup> in a box provided for the purpose in a specified place. This place is called the "polls," because the polls or heads of the citizens <sup>Polls.</sup> are here counted. A ballot is a piece of paper containing the written or printed names of the men voted for. They are usually <sup>Ballots.</sup> printed beforehand, under the direction of the campaign committees, and each one contains the names of the candidates for all the vacant offices to be filled. Ballots are required in order that the voting may be secret, so that every man may exercise his own choice without fear of consequences. The laws of different States in refer-

ence to these ballots vary to a considerable extent. For the purpose of secrecy, some States require that the ballots shall be of the same color and form, so that it will not be easy to tell which kind any man uses. In Massachusetts they must all be of a particular kind, long and narrow strips of white paper, of a certain size and thickness, and printed in a particular type. Very ingenious frauds have been committed in our history, by using ballots of thin tissue paper. If such ballots were secretly printed and furnished exclusively to one party, a great many could be voted at once, and there would be no question as to the result. In such a case, the number of votes in a ballot-box would be much greater than the number of voters in that district, but the blindfolded man who was directed to take out the extra votes\* (according to the law in such cases) could easily select only the large thick votes, and those left in the box would be of only one kind. Practices of this nature are prevented by laws as to the size and thickness of the ballots. Great care is also taken in printing the ballots, as the election laws are very strict. In some States, if a name is misspelled, or if wrong initials are given, or if any

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\* See page 349.

similar mistakes are made, the ballot is not good and cannot be counted at all. A question recently arose as to counting certain votes where the last letter of a candidate's name had been accidentally cut off in preparing the ballots.

A law of Congress fixes the day for national elections on the first Tuesday after the first Monday in November. It does not seem to be known why such a complicated date was fixed. Some States vote for their own officers in October; consequently, they are obliged to hold two elections, as the national law requires that the vote for President shall occur all over the country on the same day. The vote is practically the same in October and November, and yet great efforts are made of every kind, honest and dishonest, to change the result between the two dates, and the practice of two election days is very unfortunate.

The laws relative to the methods of an election differ so greatly, and are subject to such constant change (as has been suggested in the case of the ballots), that it is impossible to give one general account of the process of voting, which will cover the facts all over the country. Much must be left indefinite which

*Date of elections.*

*Methods of an election.*

should be explained, lest particular and local requirements be taken as national and general

<sup>Notices.</sup> law. Notice is usually given shortly be-

fore the time, that, on a specified day, an election will be held to choose men to fill certain offices about to become vacant. In some States this notice is simply printed in the newspapers; in others (as in New York), the Secretary of State sends the notice to the sheriff of each county and to other officers, probably the clerk or judge of the county. These individuals send similar notices to other officers having various duties connected with the elections, called supervisors. They, with the help of the officials of the different towns and cities in their own districts, appoint the places where the polls shall be held. Only large communities have more than one polling-place, which is some hall of considerable size, containing boxes of a peculiar shape. The committees which have printed the different ballots are present, when the day arrives, to distribute them, and every voter is offered several different kinds. He selects the one he prefers, and proceeds to use it. Perhaps, however, he does

<sup>Scratching.</sup> not like all the names on it. Then he “scratches” the vote, or scratches off the

objectionable name. He either does not vote for any candidate for that office, or substitutes another name. This is generally done by pasting a slip of paper, containing the name of some one else, on the ballot, over the name of the undesirable candidate. A quantity of such slips are always provided, in order that every man may vote for exactly whom he chooses. All about the polls on election day are multitudes of men offering ballots or slips, and trying to persuade voters to vote for some particular candidate.

Each man walks up to the ballot-box, and puts in the ballot he has selected. Before he does this, however, in States where registration is required, he gives his name to an officer, who looks over the printed list, or register, to see if it is to be found there. If so, it is "checked," or marked off, and no man of that name can vote a second time. If it is not found on the list, he cannot vote at all, but some States make certain exceptions, and provide a possible method of correcting mistakes. The officers who do this are sometimes called inspectors, and the same duty is occasionally performed by the supervisors, or by other designated officials. These inspectors are sometimes two in number, and some-

times more. In Alabama, the law allows five.

<sup>Challenging votes.</sup> Other men are also appointed to watch the polls, and "challenge" any vote, declaring that the man offering it has no right to vote, but is trying to cheat, in which case the supervisors, or certain other officers, must immediately decide the question. The polls are open all day, and the supervising officers must be present the whole time to superintend the voting.

<sup>Cheating.</sup> Much cheating is done, and in such a variety of ways that it would be amusing if it were not alarming. One of the simplest methods, which is called repeating, shows the necessity of check-lists. A number of men go out, perhaps together, in the interest of one candidate whom they are anxious to elect, and vote at one place, and then at another, and sometimes at half a dozen. Another common method of fraud is furnishing false naturalization papers to foreigners who have not lived here the requisite number of years. If the supervising officers are careless or dishonest, cheating is very easy.

At sunset the polls are closed, and no one is allowed to vote after that time, as all day <sup>Counting the votes.</sup> is long enough to give every man an opportunity. As soon as the polls are closed, the

persons in charge of the ballot-box empty it, and count all the votes cast for each candidate. Each ballot contains a number of votes, as several officers are named on it, and the votes for each office must be counted, as, by reason of scratching and pasting, the number cast for the different officers may be very different. In some States this counting need not be done till next day, and in South Carolina a whole week is allowed. In most of the States the inspectors have nothing to do with the votes but to count them, and to compare their number with the number of voters. If there are too many, it shows some fraud, and enough ballots are drawn out at random to reduce the number till it corresponds with the number of voters, which is done before the votes are finally counted. The people about the polls usually know quite well before the counting which side has the majority, and sometimes dishonest officers fill up the boxes with votes for their own friends after the real voting has ceased. However, every effort is made to prevent these and other election frauds, both in counting and in voting, and if they are not discovered until after the election, legal measures are even then taken to prevent the fraudulent result.

In States where supervisors are required, the officers who count the votes in each box report the result to these supervisors, Determining the result.

who add the various polls, and ascertain the result from the county. They report to the county clerk (or similar officer), and all send another report to the Secretary of State of the particular State in which the election occurs. A board of State officers then meets on a specified day, and officially counts all the votes. They make a record of the result, and announce to the people that certain persons are elected. They also send notices to that effect to the men themselves, and in some cases certificates of election. This is the *legal process* by which the votes are counted, just as the legal count of the votes for President occurs in the House of Representatives, but the public know at once who is elected, unless, as in 1884 in New York, the vote is so close that the official count is necessary to determine the result.

In many States the process of counting the votes and giving the certificates is much Brief synopsis. more simple, while in others it is still more elaborate. The main facts are, however, that, candidates having been previously selected,

each man chooses his own, and deposits a printed ballot containing the names of his selection in a certain ballot-box. Much care is taken to see that he does this, and that no cheating occurs. These votes are all counted, care being again taken to prevent fraud, and the candidate receiving a majority of the votes for each office receives a certificate of that fact from the State authorities.

Not only is much fraud committed in connection with elections, but many votes are deliberately bought and sold. Nothing <sup>Duty of respecting the vote.</sup> can be meaner than to sell a vote, unless it is to buy one. A vote is the great privilege of choosing how the country shall be governed, and who shall do it, with all that is meant by this; and to sell this right for money is to make a man's opinion of great moral and public questions into a mere matter of merchandise, and for a trifling sum of money to help destroy the freedom of a whole land, and to deliver it up to the rule of moneybags. Another way in which people are constantly injuring the country and doing great harm to our nation is by neglecting their duty of helping to govern the land. Next to destroying a government directly, the worst thing is to fail to support it. To vote and to assist in the choice of

rulers is not a privilege only, which a man may use and enjoy or not, as suits him best; it is a grand duty which he cannot lay aside without suffering for it.

It is the custom of our people first to select candidates by a process almost as careful and public as the election, and then to choose by our votes between these candidates. It is therefore evident that the good citizen has two duties to perform,—both to vote for the best candidate

*Duty of choosing candidates with care.* and also to select the best man as a candidate. Indeed the last duty is even more important than the other, for if the men set up from whom to choose are not good men, the voter is practically unable to help himself. In that case he can only choose which of two bad results is better than the other, but this is a poor satisfaction, and promises little for the good of the country. To help choose good candidates is the first duty of a citizen. The caucuses or primaries, where this is done, are very free and open public meetings, and the simple process by which candidates are selected is one likely to bring about good results. But it is very troublesome to attend these meetings. Oftentimes many of the voters in a district are rough men, making a cau-

cus very disagreeable, and so, for one trifling reason or another, good men have fallen into the habit of staying away from these meetings, until it has come about that bad men have secured the management of the caucuses. Sometimes a few get together and decide beforehand who shall be chosen, and, when the caucus is held, will allow no interference with their plans. Such a group is usually called a "ring," and few things are worse for a community than to allow its political action to be thus controlled. In such cases, the people have nothing whatever to say, but the affairs of the whole district are managed by this ring, which often buys and sells votes, and engages in other fraudulent practices. Naturally the better citizens make great complaint of such action, and declare they will have nothing to do with voting because all nominations are made by rings, and politics are always corrupt. This is both false and ridiculous. If men let the control of the city or the country fall into the hands of such persons, they are themselves in fault. There are more good men than bad in the land, and, in a country governed by the wishes of the majority, if we are governed by bad men it is because the good men have neglected their duty.

Rings.

The candidates for the higher offices are fixed upon in the same way as for the others. <sup>Importance of caucuses.</sup> Caucuses choose delegates to district conventions, district conventions choose delegates to State conventions, and State conventions choose delegates to a national convention, where, in a wonderful great assembly, these delegates, thus chosen by the people, select a candidate for President. A similar convention, chosen in the same way, selects a different candidate, and the people, by their votes, decide between them. So that, after all, it might be said that it is in the caucuses that the President is chosen. At least it is certain that if good men stay away from the caucus, leaving it to the control of the bad men, we cannot have good delegates to the conventions, and, without good delegates to the conventions, we cannot have a good President. At present there is a difference of opinion whether all voters should follow the choice of the caucus, and vote for the men selected there, if they happen to be objectionable candidates, but those who think it wrong to be bound by the action of a caucus have not yet discovered any better way of proceeding; their only remedy, when the voters are not satisfied with the action of a caucus, is to

appoint another and select different candidates. Everyone agrees, however, that there would be no more trouble or complaint if the caucus would select good candidates at first, and this can only happen when good men give the necessary time and attention to our political affairs. If men think they cannot spare time from their business to attend to politics, they must be contented to be governed by bad men who will spare <sup>Danger of neglect.</sup> all the time required. If men forget what a glorious privilege it is to be able to share in their own government and to select their own ruler, and wish to do as little of it as possible, there is no alternative; they must be governed by that bad element which will always seize a chance to control if possible. There is something in the world of more consequence than business, and that is, the conditions which make business possible. The country, to which we owe so much, should be our great care, and, if we neglect that, we shall only suffer the penalty which no one can prevent, when we lose the safety and peace and protection that make home happiness and success possible. The public duties which are most important to an American are twofold: voting and selecting candidates. The last duty is by no

means the least, because of the way in which our government goes up by steps, one candidate helping to make another, and none of these places are too small to be carefully filled. If our government is worth preserving, it is worth a little trouble. We would all fight for it against an enemy, but many men who would readily give their lives for it will not give it their votes. They complain that voting is a bore, and they cannot go to caucuses. In a country where every man has a vote, if only the bad and ignorant use it, what must be the result?

Another duty of an American citizen is to Duty of  
watching  
legislation. watch carefully what is being done in the government, and what laws are being enacted in Washington. The congressmen are changed so often that no legislation can be made which is not satisfactory to the people, and nothing can be done contrary to their wishes, provided only they look after the matter. Neither can anything be done until the people want it done. There was, for instance, much talk for a long while of the change in the method of filling offices, called civil service reform, but nothing could be accomplished in the matter until the people really demanded it, and, on the other hand,

as soon as they did, it was done. Our Constitution has always been understood in different ways. Different men have held that the same phrases have quite different meanings, and the political parties have always divided the voters according to these beliefs, sometimes one party having the majority, and sometimes another. For this reason it is necessary that every voter should understand the principles on which the government is founded, and the meaning of our institutions, and should form his own opinion as to how the affairs of this nation should be conducted. In this way we shall have good government well administered, and the freest, wisest nation on the globe. But if the men who make up this nation do not know why our government is organized as it is, and have no opinions how the Constitution should be understood; if they do not watch with care and thoroughly appreciate the manner in which the laws are made and carried out, in order to show their approval or disapproval at the ballot-box; if they do not help to select the best candidates and vote carefully for the principles which these candidates uphold; if the American citizen does not perform these high but simple duties,—we shall not only have the very worst government ever known, but

we shall soon have such trouble as never has been before in any land.

To repeat, then, what is the process by which voting is done and officers elected to rule us? What shall a man do who wishes to vote for a member of Congress—in the State of Massachusetts for instance—on the Tuesday after the first Monday in November? Much has happened before then. Some time in October the citizens of the town where this man lives had met together in a caucus. At this caucus delegates were chosen to attend a convention at some central place in that congressional district, and the delegates from every town in the district had selected a man who was by them nominated for congressman from that district. A similar convention was held by all the citizens of the district belonging to the other party. In every town ballots were printed by all the parties, containing the exact name of their candidate for Congress, as well as those of all their other candidates to be voted for at that time. Between the nomination in October and the election in November, every effort had been used by each party to procure votes for its candidates. Meanwhile the voter has seen the proper officers, and

The process of an election repeated.

found that his name is on the list of voters, and has attended to any other matters that may be necessary, such as proving that he has been naturalized if he is a foreigner, or paying any tax that may be required. Having done these things, and having carefully determined which of the candidates best represents the principles by which he wishes the country to be governed, he is ready for election day. On that day he goes to the polls, where are the proper officers to see that there is no cheating, the challengers to see that there are no mistakes, and many persons offering him votes of various kinds. He selects the one of these which he has determined to use, gives his name to the officer in charge, who finds it on the list and checks it off. Then he puts his ballot in the box, and goes away, having done what he can to help rule the country for that year. If it should happen that the challenger should dispute his vote, he must convince the supervising officer that he has the right to vote, before he can put the ballot into the box.

This is the machinery, simple in effect, but somewhat elaborate in detail, by which a man makes public choice of his rulers. value of elections. It has been sometimes greatly abused, it has been

very much misused, and it is the occasion of great excitement not always easy to bear. Votes are bought and sold, office is put to bad use, the country is torn apart with excitement, and business is much hindered, so that men have said, Anything is better than this; let us have peace rather than buy liberty at such a price. But those who make these complaints forget the inestimable importance to the country of the fact that once in two years we must all consider whether the country is governed well or ill. Is it of no value that once in four years all the work of the country lingers, and business delays itself while we all stop to consider what are the principles on which the United States is founded, what are those great human rights which we have tried to gain and keep, what are those profound principles that lie under a good and stable rule; and that we question sharply the life and motive and purpose of the men who are to govern us? In this great rich, money-loving land, nothing so surely saves us from becoming a nation with no ends but mercantile ends, with no hope but to get beyond our neighbor, as this need and duty of constantly remembering why we are a nation, of constantly, —each man for himself—counting up what liberty

means to him, and of watching, year by year, the footsteps of progress. "Who shall keep the keepers?" said the old Romans. We, the people, cry Americans, and behold unto what ends this custody has brought us! Let us not complain of the duty of the vote and the burden of the choice; let us rather give thanks that so we are saved from ourselves; and thus that scourge of a country, a people whose only end is each to better himself, becomes here and for us the great force that drives and guides the nation,—a people to whom progress is better than peace, and patriotism better than gathering up wealth. Let us learn that it is not fewer elections we need; that health means a close and constant watch of political courses rather than a spasmodic interest with all the agony of a convulsion. We are a land too rich to be quiet. The body politic must exercise its members, or it will suffer an apoplexy.



## THE STATES.

The Federal and State governments are in fact but different agents and trustees of the People, constituted with different powers, and designated for different purposes.—MADISON.

## ARTICLE IX.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

## ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

## ARTICLE IV.

## SECTION 1.

Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

## SECTION III.

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

## SECTION IV.

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the executive, (when the legislature cannot be convened,) against domestic violence.

## ARTICLE I.

## SECTION 8 (CLAUSE 17).

The Congress shall have power To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States.

## CHAPTER XIV.

### THE STATES.

THE relation between the States and the nation is the hardest thing to understand <sup>The States.</sup> in our system of government. It sometimes seems as if the American was a citizen of two countries at once, of some State and of the nation. Although this is not true, he may be said to be two kinds of a citizen at once: he has two kinds of rights, and two kinds of duties. Difficult as this matter seems, in reality it is not so, and it is exceedingly important. It is the great peculiarity which makes the United States different from all republics which have ever gone before it, and by means of which one government is able to successfully rule an immense country. It is the peculiarity which will, we hope, enable our nation to endure against all assaults and throughout time to come. By this system the country is divided into many small parts or States. Each of these States has its own government, and

decides all local matters at home; but all those greater matters which concern the whole people, or all the States alike, are settled by the nation in one central place, and this national government is shared by all the States.

The best explanation of the relations of the States to the Union is found in our history. The emigrants to this country settled—a few here, and a few there—all along the Atlantic Ocean, making what were called colonies. The Colonies. Naturally enough, each settlement required laws and a government, but, although most of them were controlled by rulers sent over from Europe, their affairs were managed in very different ways. After the Revolution closed, and the Americans had gained the right to govern themselves, these colonies still required different laws and kept their widely varying customs, while their different origins had given them different ideas of life. It was impossible to harmonize these views; the simplest and possibly the only way of reconciling them was adopted. Each colony became a State, with liberty to rule its own affairs, while these States joined themselves together in a nation, each giving up to the nation the control of all such affairs as concerned all of them alike. Thus we became one na-

tion composed of many States, controlling those States in everything relating to them all, but leaving everything else. This is a simple explanation of the matter, but it is all there is of it, and the purpose of the Constitution itself is to settle which rights and duties the States have given up to the nation. For notice this fact; the Constitution (which is the law of the *nation*) does not give any power to the States. The people of the States, on the contrary, give all the power to the nation, and all those rights not specially given to the United States remain with the States. The nation has not any reserved rights, and it cannot take away any rights from the States. This is the difference between our government and that of Germany or any other sub-divided government. The power comes from the people, not from the government, and no one can take it away again but the people. In other lands the government, having granted rights to the people, sometimes take them away again, but with us all the power comes from the people, and from them the nation gains the right to keep it, and the duty to guard it.

The ninth and tenth amendments to the Constitu-

tution plainly express this, by saying “the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, *are reserved to the States respectively, or to the people,*” and again “the enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.” These articles declare in so many words that all the power which the Constitution does not mention as given by the States to the nation, remains their own, and that the people possess all the rights of life and liberty and happiness, which they have not given up in so many words in the Constitution. These rights shall not be denied or in any way impaired, unless, for the common safety and convenience, the people themselves agree to their surrender. This makes it very plain that in our government the power comes from the States and the people, and cannot be taken away from them. This is a most important distinction, and bears in some way upon many of the questions which continually arise. On the other hand, the people, having once granted certain powers to the nation, cannot recall them. These powers always remain with the nation after they have been once granted.

Amend.  
ment 10.

Amend.  
ment 9.

The thirteen States which made up the whole of the United States at the time of the <sup>The nation.</sup> Revolution banded together for mutual defence and convenience. They concluded that this could best be brought about by a single nation rather than by many States, and accordingly, after much discussion, they decided to give up the exclusive control of their affairs, in order to gain, thereby, greater power against other countries, and to maintain a place among the nations of the earth. The advantages of this course seemed, on the whole, greater than its disadvantages, and they determined to become a nation ruling over a united country and all its people, instead of remaining a group of States. This plan prevented their ever again dividing. The United States could not be a nation to-day and tomorrow be broken up again into many separate States, and still preserve its place and power. The people of this country determined once for all to be a nation, and to accomplish this end they decided that the Constitution should be the law of the land, which could not be set aside for convenience, rather than a business agreement between the States, which any of them could give up at pleasure. It is an arrangement entered into for all time, for better or worse, which

can be depended upon not to change or disappear; it is not a simple contract from which either side can retire whenever it is willing to pay the penalty.

With this in view, the States gave up to the nation as little as possible, reserving to themselves all the rights and duties and powers connected with their own territory, and giving to the nation those powers necessary for the common welfare, the common safety, and the common convenience. And as Congress was to represent the nation, the Constitution conferred upon that body (as we have seen) the right to impose taxes and spend the money necessary for the general welfare; to make the laws by which foreigners may become citizens of this nation (since they, by coming here, would belong first of all to the nation itself); to create general laws relative to bankruptcy; to make the money of the country; to establish a general mail service extending over many States; to promote the interests of science and art, and thus in every way to provide for the common convenience. Congress was also to ensure the common safety, by raising and supporting armies and navies to defend the seas on which we border. To make more

Reserved rights.  
Delegated powers.

certain that these powers should certainly belong to the nation, the Constitution goes farther, and in so many words forbids the States to do these things for themselves. Thus the Constitution gives the nation certain powers which are "expressed." There are some other powers necessary <sup>Implied powers.</sup> to carry out its provisions, and those are said to be "implied," as the provisions themselves would be useless if the direction did not imply that these other powers are granted too, although not plainly expressed. The power to declare war, for instance, carries with it the power to build a navy of ships. A war against a foreign power might be declared again and again, without any effect, if we had no means of fighting.

But the States continue to control all the rest <sup>State governments.</sup> of their affairs. For this purpose they have governments of their own with written constitutions. These governments are much like that of the United States. Each State has a legislative, an executive, and a judicial department. The head of the executive department is called Governor instead of President. <sup>Executive.</sup> and he is elected in a more simple way. The people vote directly for or against him (except in one or two cases) without any trouble-

some choice of electors. He is chosen for one year in some States, for two in others, and for three in some, all these points being settled by each State for itself. The Governor is inaugurated in much the same manner as the President, and there are very much the same customs and ceremonies about all the government of a State, as at Washington, except on a smaller scale. There is usually a Lieutenant Governor, although Alabama and Arkansas have no such officer, and there is sometimes a body of advisors to the Governor, called a Council. But the officers who have charge of the business departments (unlike those of the nation) are elected by the people. All these officials are paid salaries by the State itself, the amounts differing in the different localities.

The legislative department, which makes the laws, is not called a Congress, but a legislature. It has two branches, like the law-making power of the nation. This is not for the same reasons as in the national government. There we saw that the House of Representatives represented the people, and the Senate the States. In a State legislature the two bodies both represent the people, but it was thought best to have

the legislature divided into two parts, because experience has proved that two bodies consider a subject more wisely than one. It is discussed more carefully, and there is less danger of haste and mistakes, and much less possibility of diverting the power from the people. The lower house is called by different names in different States, usually the House of Representatives, but sometimes the Assembly. The men who make up this body are chosen by the people, each State being divided into small districts. Some cities send several representatives, while small villages are joined together to make one district entitled to one member of the legislature. The upper house of the legislature is called the Senate by all the States. The senators are chosen in the same way and usually at the same time as the representatives, but they represent larger districts, containing more people, and the Senate is therefore a smaller body than the House. Different States impose different conditions as to age, property, and other requirements necessary to become a member of the legislature. In former days North Carolina required that he should be possessed of three hundred acres of land, and Vermont that he should be "noted for wisdom and virtue"! In Kentucky there is still

a provision in the State Constitution that "no clergyman, priest, or teacher shall be eligible to the General Assembly." A legislature is managed much like Congress, and has similar officers. It meets at one place called the capital of the State, since the city chosen for the meeting of the law-makers and the home of the government must always be the chief city of that State, even though it is not the largest.

The business of a legislature is to manage the affairs of the State. It permits large towns to become cities, it regulates the <sup>Duties of a legislature.</sup> affairs of banks, it makes conditions to which insurance companies must agree, it prevents great corporations from getting too much power over the working men, it endeavors in every way to protect and settle the interests of the inhabitants of the State. The duties of the legislature differ from those of Congress, in being concerned only with the people of this one part of the country, and in arranging smaller matters, local affairs, and the business of the community. It is a great advantage to the people to have this done at home, by men who understand what is needed, and it is of great benefit to the country to have so many small matters taken away from Congress.

In England numbers of these small details must be settled by Parliament itself, and valuable time is occupied over questions which could be better arranged in the localities where they occur, but which now take up so much of the attention of Parliament that it interferes with the proper consideration of great national questions; or else these great questions prove so absorbing that the details get little attention. Thus, every way, the interests of the people are better guarded by the system of State legislatures. Just what shall be done by these bodies is regulated by the Constitution of each State. There has been much trouble in some States because the legislatures <sup>Special legislation.</sup> constantly passed laws giving particular privileges to certain men or certain kinds of business. To stop this, several States have put special provisions into their Constitutions, forbidding almost every kind of legislation that does not relate to all the people of the State alike. You may, for instance (in these States), grant permission to a railroad to cross the State, if you will grant a similar permission to any other railroad wishing it. But you cannot give such a permission to only one railroad, as that would be unjust to the other. Or you can declare that all proper-

ty belonging to churches shall be free from taxes, but you cannot take the taxes off any particular denomination or any one church building. Such matters come under the control of the States, and so much trouble having arisen out of such special laws, many of the States, as has been said, have prohibited any such legislation. The Constitution of Pennsylvania is very sweeping and strict on this point.

Most legislatures meet every year about the first of January, but in several States biennial sessions are now the rule, the legislature <sup>Meeting of the legislature.</sup> meeting only once in two years. This is an idea just now prevalent. It has some advantages, and other disadvantages equally great, though these are often overlooked. Biennial sessions grow out of the idea that business is more important than government, and that the making of money is the chief occupation desirable to men. The claim is made, whether justly or not, that business is hindered by overmuch legislation. However this may be, the direction of this move is toward taking the power away from the people by preventing them from a constant supervision of the acts of their legislators, and interfering with a frequent expression of their opinion as to measures and

men. The representatives do not by any means so closely represent or remember the wishes of their constituents, when their work comes so long after their election. Sometimes, when a legislature elects a United States senator, the wishes of the people will change entirely between one year and the next, and great injustice occurs by the meeting of the legislature so long before the occasion for its action. The same thing is also likely to happen in connection with other business to be done. The principle holds good here as well as in general politics. We need better legislatures rather than less frequent meetings, and more comprehension of public affairs instead of less attention to them, in State as well as nation.

Every State has its own courts and judges, and its own laws. The Constitution of the *Judiciary.* State bears the same relation to the laws made by the legislatures as the Constitution of the United States bears to the laws of Congress. It is the fixed and general law of the State, and all the special and temporary laws must agree with it. If it needs alteration, it must be done by the people of the State themselves, rather than by the legislature. The whole body of State law of every kind is peculiar to the State in which it

originates, and what is law in one part of the country may not be in another, if it is a question coming under State jurisdiction. A man and his wife may be divorced in Indiana or Massachusetts without much trouble, but in some other States it is very difficult to separate husband and wife. The constitutions of Maine and Kansas prohibit the sale of liquor; but just over the line where these States are divided from their neighbors, a man may sell as much liquor as he wishes to. It might even happen that his house would be half in Kansas and half in Missouri, and he might keep a rum-shop in one room, but would be arrested if he had it in the other! The laws of one State do not have any effect in the other States. This is the reason why some general matters must be regulated by the United States, in order that the same law should extend over the whole country, but all local matters are regulated by the different States. But the Constitution provides that the laws of every State shall be respected in all the others. Not that the laws of one shall be the laws of all the rest, but that every action done under the laws of any State shall be valid everywhere, and all contracts made in a State must be inter-

Public acts,  
etc., of one  
State valid  
in all.  
Art. 4, § 1.

preted according to the laws of that State. If, for instance, Massachusetts makes a law relative to the management of banks, a citizen of Illinois shall not try to do business with a Boston bank according to Illinois law, but according to Massachusetts law. And what is more important still, that which is decided by the courts in one State cannot be tried over again in some other State. It would make the greatest possible confusion in all our affairs if this were not so. Whatever is decided in the courts of one State remains decided, and cannot be brought up in the courts of some other State.

Within its own borders the State is quite supreme, except when it comes into conflict with the United States. Then it must bow to the authority of the nation. This point has been very much disputed. Two anecdotes, both relating to governors of Massachusetts, show how the State is a supreme power itself, but subordinate to the nation. When John Hancock was Governor of Massachusetts, soon after the Revolution, President Washington came to Boston. Governor Hancock, who was a very stately and ceremonious person, insisted that in Massachusetts he was the ruler of

the land, and Washington must come and pay his respects to him. The President insisted equally that he was the ruler of the whole land, including the State of Massachusetts, and Governor Hancock must pay his respects to the President. Each of them was very unwilling to give up his point, but at last Governor Hancock was made to see that he must call on the President. He went with a very bad grace, however, and bundled himself up, in order that he might excuse his delay on the ground that he had been sick with the gout! This settled the question of etiquette once for all, but it was a matter of more consequence than it seems, since, if Washington had given up the point, he would have acknowledged the Governor as superior to the President, which is a doctrine having very bad results. On the other hand, when William Claflin was Governor of Massachusetts, one of the English princes came to Boston to visit the city, who considered that, being a person of royal blood, it would be proper for the Governor to wait upon him. But Governor Claflin very properly insisted that he was the ruler of the State of Massachusetts, and Prince Arthur must pay him the marks of respect always given to the ruler of the land. The

Prince was not at all pleased, but finally compromised the matter by sending an officer with his compliments. The Governor returned a similar courtesy by one of his own staff, but still refused to make the first call, and this civility was omitted altogether. In this way the Governor insisted on his position as the head of a separate government, superior to everyone who comes into the country over which he governs, but himself inferior to the President, the State being itself a part of the nation.

This question of the relations of the State to the nation has been one of the points on which the people of this country have been divided ever since the government began. There have always been some men who thought that the States, having given up—"delegated" is the word used—certain <sup>Different theories.</sup> of their own rights to the nation, retained the power of taking back these rights at any time. These same people believed also that within its own borders the State is superior even to the nation, and that while the nation exists for the purposes of convenience, it has little or no supreme authority over the whole land. Consequently they held, very logically, that if the nation tried to exercise its authority against the

wishes of the State, the State might take itself out of the Union, or secede. Other people have always believed that when the States delegated these powers to the nation, they were given up altogether, and could not be resumed again, and that whatever rights the State had within its own borders, it could not control the nation even then, but must obey it, and consequently that a State once in the Union could never withdraw from it. These questions were discussed before the Constitution was formed, and they were disputed all through the life of the nation as it grew. Very great men took either side of the question, and held each view to be the true interpretation. Those who believed in the supreme power of the State talked a great deal about State rights, and thought that the chief right of a State was to be "sovereign" in all its affairs, and this was the point which was disputed by those believing in the control of the nation, so that very naturally the question came to be known as the question of "State sovereignty." After a <sup>Conflict of views.</sup> time (although this was not true at first) it came about through various causes that the Northern States all believed in the supremacy of the nation, and the Southern States in State sov-

ereignty, and both were very earnest and honest in their beliefs. This division of opinion was largely influenced by their different views of slavery, and when the disputes already described arose over that question, it became evident that the question of supremacy must also be settled, and that immediately. The Southern States, following their ideas of the Constitution, did not wish to be a part of a nation that was likely to rule them against the wishes of those States; and when it became certain that the will of the majority of the *people* was to rule this nation, notwithstanding the dissatisfaction of any *States*, the South determined to secede from the Union, and form a new nation in which the will of the *States* should rule. The North then declared its interpretation of the Constitution, that secession was impossible; once a part of the nation, always a part of it. The Southern people, with a very few exceptions, believing that the State had the highest authority over them, went with their States out of the Union, though many were very reluctant to adopt this course. The

War. North and South fought for their respective views of the matter, and, after four terrible years of war, the nation gained the vic-

tory. While several things important to the country happened during this war, one of which was the abolition of slavery (the difficulty about which the war arose), that was not the question over which we fought. The main question decided by the civil war once and forever was the question which had always troubled us from the beginning, the question of supreme rule between the States and the nation. There is no longer any doubt on that point. No one has any right to obey his State contrary to the command of the nation. Statesmen and lawyers still have different opinions as to how much right the nation has in the State; but nobody doubts any longer that when there is a conflict between the two, the State must give up the point.

One of the questions about which men still differ is the question of education. Congress has tried several times to furnish money for public schools in the South, but has thus far been prevented by the congressmen from that part of the country. This was not because they objected to schools, but because they thought it the business of each State to provide its own schools, and that Congress had no right to meddle with

<sup>The nation supreme.</sup>

this matter. There is danger of getting too much power into the hands of the national government, or centralizing the power, as it is called, and for this reason it is believed that Congress should not decide any matter which can be left to the States. This is indeed very desirable, especially as the tendency is so strong, as we have seen, to gather all the power of the national government into the hands of Congress. It would be almost as bad for the country to have all its affairs managed by Congress as it would be to have all the power in the hands of the President. It would only be a new form of a monarchy. It is the fact that the governing of our country is so

*Effects of division of power.* divided, and in the hands of so many kinds of officers, that makes safe the liberty of the people. It is this, also, that makes it possible for the country to hold together, notwithstanding its enormous size and all its varying inhabitants. Foreigners often ask if it will not break apart some day, and become a number of small countries,—the East, the West, the North, and the South,—each with its different climate and different ideas making a country by itself. The answer to this question is the advantage we have in our system of States. Each part

of the country is set off by itself to manage its own affairs, the most thickly settled portion, like New England and the Atlantic coast, being divided into very small parts, and the newer sections of the nation, with less inhabitants, making larger States. Every one of these States manages itself so completely that the nation has very little to do with such interests of this wide land as differ from each other. The nation has to manage only those matters that are common to all, and in which Maine and California, Alaska and Florida, have the same interests. "This way safety lies," and we must realize it more and more, and deliver over to the care of the States everything possible, in order to preserve our people a united nation, although with such various wants and opinions.

## CHAPTER XV.

### THE TERRITORIES; ALSO SOME DUTIES OF THE NATION.

MUCH of our country is very thinly settled as yet, and does not contain people enough <sup>Territories.</sup> <sup>Art. 4, § 3,</sup> <sup>cl. 2.</sup> to form States. This unsettled territory

of the United States is put in charge of Congress by the Constitution, which gives to that body the “power to dispose of and make all needful rules and regulations” respecting it, on the principle that the unoccupied land belongs to the whole people, and must be managed by them. As soon as enough persons settle in any section, Congress gives them a government, in order that safety and justice may everywhere prevail, and as the first step toward making a new State. For this last reason, this government is as much like that of a State as possible where the people do not govern themselves entirely. When <sup>Creation of</sup> <sup>a Territory.</sup> a few people have thus gathered together, they usually petition Congress to give them such a government, and make a Territory of

this section of the country, and if this seems desirable, Congress passes a bill to that effect, giving it a name. The President then appoints a governor, judges, and some other officers, and the Senate confirms the appointments, as the Territory, being still under the control of Congress, cannot elect its own officers. The people themselves, however, according to a plan adopted at a very early date in our history, establish a legislature of their own, to which they elect members. The legislature and governor rule the Territory much as a State is ruled, but Congress has at all times power over its affairs. A Territory is allowed to send a delegate to the national House of Representatives at Washington, who looks after its affairs there. But this delegate cannot vote, as the Constitution gives that privilege only to men who are sent from the several States. He can make speeches, however, and in public and private has much influence in matters connected with his Territory.

The power of Congress over the Territories is entirely different and much greater than the supreme control the nation exercises over the States. It extends even to those matters of detail over which the States have entire control

Government of a Territory.

Control by Congress.

within their own borders. The laws made by a Territorial legislature cease to be valid whenever Congress chooses to disapprove of them. Utah is an example of this relation. This Territory has its own legislature elected by the people, its own Governor, other officers appointed by the President, and its own laws. Now these laws permit the practice of polygamy, but Congress will not allow this, and has enacted several measures to put an end to this crime. The reason why these efforts have not yet succeeded is an illustration of the effect of another part of the Constitution. It will be remembered that it is declared that "Congress shall make no law prohibiting the free exercise of religion," and the Mormons claim that polygamy is a part of their religion. If it was not for this point, Congress could have disposed of the matter long ago. If Utah was now a State, or if she should become one, the nation could do nothing with polygamy or any other of her institutions, but must let the people make their own laws. But while it is still a Territory, Congress can control its affairs, if it can be done without interfering with the Constitution.

The question of jurisdiction over the Territories

was one of the many subjects upon which much discussion arose, and which helped to bring on the civil war. The North claimed that no one could hold slaves in the Territories until they became States and permitted it, because the United States (which was a free nation) owned the land, while slavery was a privilege of certain States, but not of the nation. The South claimed that all the people had equal rights in the Territories, since they belonged to the United States and not to any section of the country, and consequently persons could hold the same property in the Territories that they could in any States, even if that property was in human beings. This is a very nice point to decide, and around it centred many of the disputes between the North and the South. It came up constantly in the courts, and was decided in many different ways. It came up oftener still in Congress, and was decided there also in every variety of way, sometimes on one side and sometimes on the other; and sometimes the effort would be made to decide it on both sides, by what was called a "compromise," settling it temporarily or for some special part of the country. Many of the most famous portions of our history are connected with this question. The

Question of jurisdiction.

war ended it entirely, however, as the Territories are now free ground in common with the whole country, and it is also determined that Congress has the right to decide what shall be done there. It is to be hoped that the Mormons will not compel us to undertake another war to settle this last point over again.

The nation not only controls its own territory in which it allows people to live, but it <sup>Land be-  
longs to the  
United  
States.</sup> also owns the land in that territory. If

there is any unoccupied land in the old States, it is owned by the State itself, unless it has been sold or given to the United States. But the land in the Territories belongs to the United States, and the United States sells it, or gives it away, or keeps it, as seems best.\* In the Territory of Wyoming, the United States has reserved more than three thousand square miles as a perpetual park, because the Yellowstone Valley is contained in this tract, and this wonderful region ought always to be kept for the use of the whole people.

When our forefathers first settled this country <sup>New States.</sup> they had little idea to what size it would grow. They imagined a small nation like

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\* See page 233.

those they had known in Europe. A striking witness to this belief is the fact that they at one time gave up to the Indians all the land west of a line reaching from Lake Erie to the coast of the Atlantic Ocean in Georgia; the United States was to be east of that line, and the Indians west of it. But with the wisdom that was so remarkable, they made laws that were broad enough for all emergencies, and to-day we add a new State in just the same way that the fourteenth State, Vermont, was added to the original thirteen.

Admission  
of a State.  
Art. 4, § 3.

The Constitution provides that "new States may be admitted by Congress into this Union," and this is all that is said about it, except certain restrictions which are laid on Congress. This leaves the power to add new States to the Union entirely with the people themselves, since Congress is only the people and the States acting through their representatives. As soon as one of the Territories becomes sufficiently large and wishes to become a State, it makes application to Congress to admit it to the Union. The Constitution also provides that Congress shall guarantee to every State a republican\* form of govern-

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\* This does not refer to the Republican party, but to the principles on which our government is founded.

ment; consequently, when a Territory wishes to be admitted to the Union, it adopts a Constitution of its own, by means of a convention called together for that purpose, or through its legislature. This Constitution is submitted to Congress, and if it is according to the Constitution of the United States

<sup>Republican form of government.</sup> and our republican form of government, and if it seems advisable to Congress, the

Territory is allowed to become a State.

This is a necessary method, because the nation would immediately get into great difficulty if one State should decide to have a king, and another to have no government at all. It is necessary that all the States should be governed according to the same principles, however much their own methods of ruling may differ, or we cannot be one nation. Sometimes Congress keeps a Territory waiting a long time, for reasons which seem good to itself. The new State is often made much smaller than the Territory, which is usually of immense size at first, and other Territories are formed out of the remaining land. But after a State is once ad-

<sup>States shall remain intact.</sup> mitted to the Union, the Constitution provides that no new States shall be made out of her land, however large she may be, without her consent; and no two States

**Art. 4, § 3.**

may be joined together to make one. Otherwise the smaller States, which are jealous of their larger sisters, would be always passing laws to cut up the big ones, or the big States would be putting out the little ones by joining several together, so that they would have less power. New England would long ago have been made a single State, when other parts of the country were jealous of her power in the Senate, if it had not been for this restriction in the Constitution.

As soon as a State is admitted to the Union she has all the privileges of every kind possessed by the original thirteen States, and passes out of the control of Congress altogether, except as, with all her sisters, she acknowledges the supreme authority of the nation. She then has her own elections, her own Constitution, her own officers. She sends two senators to the national Senate, and as many representatives to the House of Representatives as her population gives her the right to choose. Sometimes this will be only one, but she will still have the two senators, because as a State she is equal to the largest. This is true of Colorado, Nevada, and Oregon, and it is also true of the old State of Delaware. One after another we have gained

New States  
possess  
equal  
rights.

twenty-five States, and our unoccupied land is so large we are likely to gain many more in time to come. The great State of Texas made a condition, when she came into the Union, that she might be divided into five whenever she chose, so that in her case it will not be a question for Congress to decide, whether these new States shall come in or not, but simply for the State of Texas; and it will not violate the Constitution to cut up that State, because it will be done by its own consent.

Congress has also entire control of a section of the country called the District of Columbia, where the city of Washington is located, and the government carried on. There was at first a great jealousy between the States, as to where the government should be held. Philadelphia wanted it there, where the Continental Congress met; and New York claimed that she was a much more important city, and should be the national capital. Each place thought it would gain great importance, as well as some influence over the laws, if the government was situated within its own limits. To prevent just this possibility, an arrangement was made, after much discussion, by which a

District of Columbia. Art. 1, § 8, cl. 17.

particular part of the country should be given up entirely to the national government. It is said that the place chosen was the result of a bargain between Alexander Hamilton, who wanted votes and influence for his financial plans, and Thomas Jefferson, who wanted the capital to be in Virginia. However that may be, in 1789 the States of Maryland and Virginia, together, gave to the United States a tract of land ten miles square. This was originally called Connogochague, but the name was fortunately soon changed to the District of Columbia. This is neither a State nor a Territory. It is governed directly by Congress in such manner as that body chooses to direct,—therefore it is not a State. It never can become a State, and therefore it is not a Territory. It will always remain without any power in the government whatever. Its inhabitants do not vote at all, thus rendering it certain that the people where the government is situated do not have more power than everybody else in the country. The District was so much larger than was necessary, that the gift of Virginia was returned to her, and it now contains little more than the city of Washington and its suburbs. It has been governed in various ways, at present by three com-

missioners, who are appointed by the President, and confirmed by the Senate, and who manage its affairs with the help of Congress, which makes special laws for the government of the city and the convenience of its inhabitants. At the present time (1885) the United States consists of thirty-eight States, nine Territories, and this District of Columbia, but a single one of these Territories—that of Alaska—contains more than a half million square miles!

The United States owes certain duties to the States which have not been before considered. The nation is directed by the Constitution to make certain to every State a republican form of government, to protect them against the invasion of their enemies, and, when they request it, to assist in putting down any trouble among their own people. We have already seen one way in which the republican form of government is secured, by a careful attention to the Constitution of each State when it is admitted to the Union. If any State already in the Union should suddenly conclude to become a monarchy, and vote for a king instead of a governor and legislature, the national government would at once compel it—by war if necessary—

to go back to the condition of a republic. But it has been found necessary to exercise this power when it was not so easy to see what it meant. After the civil war there was much uncertainty and trouble over the proper method of governing the States which had been in rebellion. Some men thought the South all one great Territory, and some thought the States possessed all the rights they had before trying to leave the Union. As all our fighting had been for the purpose of keeping them in the Union, that seemed to be the true view, and was at last adopted. Trouble also arose as to whether or not the governments of these States were according to proper republican forms, and how to secure such to the people. In some States there were two governors and two legislatures, and the President kept troops there to support the one which Congress considered the proper government. In other places troops were necessary because the State government was so weak it could not take care of itself. These proceedings made great discussion and trouble all over the nation, and as soon as possible the States were left to manage their own affairs.

It is easy to see why the government must pro-

Recon-  
struction  
difficulties.

tect the States from invasion by foreign enemies,

The United States protects the safety of the whole land, but doubtless our forefathers thought it might be necessary to protect one State against another.

**Art. 4, § 4.** This has never yet happened, and there seems little probability that it will occur; but the Constitution has proved a wonderful document in the way in which it has been found to meet almost every difficulty that ever has arisen in a country so much greater and so different from anything imagined by the men who framed it. The provision that the United States should help the States to defend themselves against the violence of their own people has several times proved of the greatest use. As time has gone by, there have been riots and other disturbances in many parts of the country, which could not be easily quelled. On such occasions, by the authority of this provision, the officers of the State have been able to call in the efficient help of the United States troops. In olden times also, before the making of the Constitution, there was a rebellion of considerable importance in Massachusetts, known, from the name of its leader, as Shays' Rebellion. The State itself could not manage this insurrection for a long

time, and, as there was then no national government, it was very difficult to put it down. Later in our history, the State of Rhode Island had much trouble with a rebellion against her own officers under a person named Dorr. For a time this threatened to be a serious matter, but the Governor applied to the national government, and President Tyler sent troops to help the State, and soon decided the question of authority. These instances illustrates the necessity of such a provision. Thus the people of the United States are protected against any enemy from without or within, or any mistaken endeavors of their own to give up their rights. Almost against his will, the citizen of our nation must be free, and he can only lose that freedom when, by carelessness or wickedness, he and his fellows shall lay it aside and choose instead to become the subjects of tyranny.



## CONCLUSION.

All free governments, whatever their name, are in reality governments by public opinion, and it is on the quality of this public opinion that their prosperity depends.—JAMES RUSSELL LOWELL.

## ARTICLE V.

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendments which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

## ARTICLE VI.

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

## ARTICLE VII.

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

## AMENDMENT XIV.

## SECTION 4.

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

## SECTION 5.

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

## CHAPTER XVI.

### A GENERAL VIEW OF THE GOVERNMENT.

HAVING considered the Constitution in its various provisions, let us take a comprehensive glance at its objects and effects, that we may clearly see what it does for us and what it is not, and thus discover once more what it means to be an American. We have found our government to be a government by the people. The very ruling itself is done by the choice and direction of the citizens of the country, but we must answer to the world what is meant by government by the people. Briefly it may be defined as a government in which every man has an equal share in governing, and which gives every man equal rights.

This share in governing is accomplished by the process of voting. By this simple and most direct plan, all the citizens of the nation yearly direct its affairs and share its responsibilities. Year after year, they decide for

themselves what shall be done by the nation and who shall do it. They lay upon themselves restrictions; they take up the national burdens: they even determine how far these rights of governing shall extend, and hold out welcoming hands to new citizens or ask them to wait a little; they govern the country, they govern themselves, they allow others to share this privilege or not, as seems good to themselves. The people are responsible for whatever is done in the United States or by the United States. And every man, all over the land, has the right to share this privilege. Race, color, previous condition, present circumstances, nothing can prevent his exercising his right to help choose his rulers and determine the ruling of his country. Only the will of his fellows can in any way abridge this privilege, and that only so long as he fails to meet their simple conditions. This control is accomplished through the vote of the individual, and is decided by the majority of those votes. "The rule of the majority is absolutely essential Decision by the majority. to a democracy," says a great philosopher, and in adopting the rule by the people we adopted also the decision by the majority. Even in the least things of our political life, it is still the ma-

jority who must rule; it is still a necessity of liberty, as well as of good order, that the minority should wait in peace, and should give up to time and to law the vindication of their wisdom and their rights. We must not mistake. If the will of the people is the life-blood of the nation, so the decision of the majority is the nerve that runs by the side of the artery and regulates its action. Physicians tell us that the too full blood will burst the heart if some emergency finds the nerves under no sufficient control. If the rule by the majority be weakened, the power which can control that wild force, the people, is lost. It is moreover the American idea: what may be good for other lands, we cannot tell. We have determined to try this experiment,—the people working through a majority. He is no friend to the United States who tries to alter the idea, however he may seek to improve the method.

The necessary result of governing by the people is governing by representatives of the people. We have seen that every man has the privilege of choosing his rulers; he has the further opportunity of himself becoming one of these rulers. Liberty and Equality are the twin privileges of an American. What, then, do these

An equal chance.

high-sounding phrases mean while the poor man still casts envious eyes on his rich neighbor? We have nowhere found in the Constitution or laws that America gives her children equal possessions or equal conditions, but with liberal hands does she offer to every human being in her borders an equal chance. No man is too poor or too humble to seek her highest gifts, in a country whose rulers have been taken from among her laborers, standing side by side with her aristocrats, and whose statesmen have been printers and factory boys equally with her landed proprietors and her scholars. The United States offers to her sons an equal chance to show the stuff that is in a man, an equal hand to help him forward, equal honors to crown his success. She will do no injustice to any by giving gifts to others, be they never so poor. She will discourage no ambitions, by destroying the result of any success, be it never so rich. Out of her <sup>Rulers from the</sup> own people will she seek her rulers, sure that thus she will be best governed, since this is the land of the people and the home of democracy. It may be, doubtless, it often is, true, that her rulers are not her wisest and best men. That is the principle claimed for an aristoc-

racy, but this is a government by numbers, not a government by selection. The rulers of this land are to be the representatives of the people; and because they come from among the people, and are still of them, they will, she believes, best govern that people. It is hard to remember this when ignorance wins and wisdom is flung aside, but it is nevertheless the safest and the simplest, and in the long run, the best government yet established. Let history witness the truth of this fact; and let us hold to this belief more strongly in the storms of popular government than in its sunshine.

This points also to another distinction in the government of the United States. It is representative in the further sense that its people govern themselves not directly but by representatives. These officers who have come from the people, and do their bidding, represent these people, and for them rule the nation. The wisdom and safety of this plan need no further explanation; but this also is American, and this also brings freedom. Was it not a pure democracy that made an emperor in France? Representation is as truly our watchword as Equality, and he who disregards it, even in little matters, stabs the nation under the fifth rib. Least of all democra-

Ruled by  
representa-  
tives.

cies can this great republic afford to forget that it is governed by representation and by representatives. And, however little such governing may happen to be to our own taste, we can ill afford to play with the knife that will cut other fetters of law and custom quite as readily as those bonds that gall us.

In this government by all the people, through their votes, determined by the majority, Equal rights. exercised through their representatives chosen from among themselves, much care is taken of the *rights* of the individual. He is guarded in all his going out and coming in. His home is his castle, into which, though it be but a “straw-built hut, the wind may whistle around it, and the rain may enter it, but the king cannot.” His person, his property, his life are the special care of the state. For him she was established, and for him she exists. His rights she will maintain and his interests she will foster. That these may not be disregarded or neglected, that he may ever have equal chance and equal right, she has established elaborate institutions, standing firm in the changing waves of the political sea. And to ensure these rights of the individual, she has bound herself by written law, and these institutions and this

law he must support and cherish. Thus the philosophy of the United States government is expressed in the famous watchword, "Liberty, equality, fraternity,"—an equal chance, equal rights, equal duties; and here, under the flag of the United States alone, do we find existing on the prosaic earth this dream of liberty.

The method by which this governing by the <sup>Methods of</sup> people is carried out we have seen to be <sup>govern-  
ment in  
the United  
States.</sup> a government made and controlled by a double origin, and working through three

branches. It is interesting to notice how the arrangement of our institutions was influenced, and what brought about some of its forms. The statesmen who made it had, the most of them,

<sup>Influences  
affecting  
their form.</sup> already acquired habits of ruling and being ruled, learned personally or by tradition from English homes. They had little practical knowledge of any other methods of governing. But they were many of them intoxicated with the ideal of liberty which French philosophy was trying to work out under impossible conditions, and they thought that under fairer skies we might realize it. These two elements struggled together. There entered in also much antagonism to those English laws and customs which had most op-

pressed them. It is astonishing how many of our laws we owe to the fact that in such manner our fathers were oppressed by the mother country. Perhaps, also, some reminiscences of Dutch political customs, first seen as a refuge from tyranny, still lingered in the laws of some colonies. Added to these elements was an experience in attempts at creating a nation, teaching wisdom to statesmen who seem sometimes to have been superhuman in their endowment. All these things worked together, and out of them came the government of the United States, gaining its power from the double origin of States and people, and divided into a legislature to make the <sup>Synopsis of govern-  
ment.</sup> laws, a President to execute them, and courts to determine that law and justice were everywhere synonymous. All was derived from the people, all represented the people and worked for them, all guarded the rights of the people.

And, wisest and most extraordinary of all its provisions, the document which guaranteed all this as the birthright of the nation contained in itself the provision for its own alteration. But this also was to be done by the people. The Constitution closes with a provision for such alteration, and with certain declarations

regarding what had gone before. It further provided, with some care, for the ratification of the document, making it take effect when nine of the States should agree to it. Something has already been said of the manner of amending the Constitution, but the subject needs a little further explanation. It was easy to see that, as the country grew and increased, new provisions would be necessary in this its written law. But the people of the colonies had experienced too much trouble from laws made for them without their assistance or consent to be indifferent to the manner in which the Constitution should be altered, and the authority which should do it. It was therefore provided that this should be done whenever Congress should deem it necessary. If two thirds of the members of both the House and the Senate think such action necessary, they may offer a bill to that effect, and, after it has passed both houses by this large vote, it is submitted to the people; that is to say, the legislature of each State takes it up, and votes upon it. Or, if preferred, this may be done in a general convention, but in fact it always has been done by the legislature. When three fourths of the States have voted to adopt it, it becomes a

part of the Constitution, and is proclaimed as such by the Secretary of State. Lest it might be that Congress would not vote for some very necessary amendment, and to make sure that no opportunity was here given for neglecting the wishes of the people, it was further provided that the States themselves might call a convention to consider amendments to the Constitution; but, in order to do this, two thirds of the States must unite in the call. When it has met, and agreed to such amendments, they must be again submitted to the different States, and adopted (as in the other case) by three fourths. After that is done, it becomes a part of the Constitution just as it would if proposed by Congress, even though it should be quite contrary to the wishes of that body. So in two ways it is made sure that the people can alter the Constitution just as they choose and whenever they choose. But, to prevent its being done very often and for very small causes, it requires the agreement of nearly all the States (either through Congress or more directly) to propose it in the first place, and the assent of still more of them to its adoption afterward. This at once prevents its being done for trivial causes, and makes sure that any real desire of the people in this direction shall

be gratified. There is just one thing, however, that the people cannot do. They cannot amend the Constitution so as to deprive any State of its two Senators. Even at that early time the jealousies between the States were very great, and the larger ones objected to being put upon an equality with the smaller ones. It was feared that some time the small States would be deprived of their equal rights in the Senate. This would destroy the whole system of our government, and, as we have seen, would very quickly make it practically a sort of monarchy controlled by the large States. Any such effort was therefore specially forbidden. One thing the people of the United States cannot do without overthrowing the Constitution,—they cannot interfere with the Senate.

Further than this, that the new nation might be honest in the sight of all men, it agreed faithfully to pay all debts that it had previously made, and in later days we have kept to the same rule. An amendment adopted since the war declares that all the vast debt we entered into to carry on that war shall be paid, an engagement which we have seen is carefully kept by the nation. But the same law that obliges us

The Senate  
perma-  
nent.  
Art. 5.

Affirmed  
debts and  
contracts.  
Art. 6.  
Amend. 14,  
§ 4.

to pay that debt forbids us, in so many words, from paying any debts contracted by anyone to promote the rebellion, or to pay any claims for the value of the slaves which were then made free. Thus we are obliged to pay our honest debts, and we are carefully prevented from any effort to pay those persons who gave their labor and property to destroy the Union. The Union is the <sup>The</sup> central point of our government. Around <sup>Union.</sup> it all our laws revolve. For it we will spend blood and treasure, and we will recognize no obligation toward anyone who attempts to destroy it.

For the Constitution shall be the supreme law of the land, says that document in plain phrase, lest, after all, there be some method of evading its control. The Constitution, not the action of Congress; the Constitution, not the unregulated will of the people; the Constitution, not the will of the States, even. When foreign powers would make treaty with us, they shall find the Constitution at once the "bulwark of our liberty," and our sure defence. And when our own citizens would try strength with the nation, its judges in every State shall abide by this same Constitution, deciding by that, always and everywhere, the questions of right and duty that

The Constitution supreme law.  
Art. 6.

shall arise, whatever may be said to the contrary by any law of any State. And every officer of the United States, says the Constitution, shall swear to support it, and all the officers of all the States. Every man whose business it is to govern in all this wide land shall solemnly agree, in the sight of his God, to keep and consider its law. Thus shall a free people yet be a law-abiding nation, not an ungoverned and capricious multitude.

# INDEX.

## A

Adjournment, 92, 93  
Admiralty cases, 270  
Agricultural Department, 243  
American architecture, 119  
Amendments, 414  
American theory, 81  
Annapolis, 229  
Appointments, 146, 147, 191  
Appropriations, 109, 114, 223  
Arms, 313  
Army, 189, 190, 215  
Assembly, 309  
Attorney-General, 224  
Ayes and noes, 135

## B

Ballots, 343  
Bankruptcy, 105  
Basis representation, 75  
Bills, 127, 136, 142, 144, 149, 150  
    amended, 157  
    engrossed, 157  
    enrolled, 158  
    introduced, 156  
    passed, 157  
    printed, 157  
    read, 157  
    referred, 156, 157  
    reported, 156, 157  
    signed, 158, 192  
    synopsis, 156  
    unfinished, 151  
    vetoed, 150  
Business unfinished, 151

## C

Cabinet, 185, 205, 243, 244, 245  
Calendar, 133  
Campaign, 340  
Candidates, 337, 352  
Canvass, 341  
Caucus, 339, 352, 354  
Capitol. 116, 118

Centralization, 167, 386  
Census, 76, 232  
Challenging, 348  
Chaplain, 120, 124, 140  
Checking votes, 347  
Chief Justice, 195, 258  
Circuit courts, 265, 269, 275  
Citizen, 301, 315  
    duties, 325, 328, 331, 356  
    qualifications, 327  
    value, 330  
Civil service, 244  
Clerk, committeees, 155  
    House of Rep's, 119, 134, 137, 156  
Coins, 105, 220  
Colleague, 89  
Colonies, 72, 367  
Commerce, 105  
Commissions, 277  
Committee, 127, 141, 149, 155, 156  
Congress, 71, 73, 84  
    amendments constitution, 414  
    controls forces, 190  
    fixes date of election, 345  
    governs Territories, 391  
    officials, etc., 155  
    powers of, 102, 110, 151, 190  
        denied, 110  
        synopsis, 109  
    sessions, 90, 152, 189  
    quorum, 137  
Congressmen, election, 78, 86  
    expelled, 97  
    freedom of speech, 97  
    privilege arrest, 96  
    qualifications, 80, 81  
    restrictions, 99, 100  
    terms, 82, 87  
    titles, 82  
    salaries, 97, 98  
Constitution, 17, 46, 57, 252, 301, 379,  
    398, 417  
    affirms debts, 416  
    amendments, 214, 414  
    powers, 47, 368, 371, 417  
    Preamble, 17, 36  
    Article I., 115  
    § 1,—17, 62, 73

Constitution, Article I.—*continued.*  
 § 2,—17, 62, 74, 194, 306, 334

§ 3,—18, 63, 84, 87, 88, 139, 145,  
 148, 165, 184, 194, 195,  
 249, 259  
 § 4,—19, 64, 84, 85, 89  
 5,—19, 64, 86, 92, 97, 137  
 6,—20, 64, 96, 97, 99, 100  
 7,—20, 65, 129, 150, 192  
 8,—21, 66, 102—104, 365, 396  
 9,—22, 67, 104, 110—112, 114  
 10,—23, 68, 114

Article II., § 1,—23, 162, 170, 171,  
 184, 193, 197, 199, 204  
 § 2,—25, 68, 146, 147, 163, 189,  
 190, 191, 205, 249, 258  
 § 3,—26, 69, 90, 93, 164, 189  
 § 4,—26, 164, 193, 249, 255

Article III., § 1,—26, 248, 256, 264,  
 265, 276  
 § 2,—27, 248, 269, 272, 280, 286  
 § 3,—27, 111, 248, 292

Article IV., § 1,—27, 364, 379  
 § 2,—28, 298, 315  
 § 3,—28, 364, 388, 393, 394  
 § 4,—28, 364, 398, 400

Article V., 29, 404, 414, 416

Article VI., 29, 69, 404, 416, 417

Article VII., 29, 404, 414

Amendment I., 30, 69, 151, 298,  
 302, 306, 309

Amendment II., 30, 298, 310, 313

Amendment III., 30, 298, 314

Amendment IV., 30, 250, 287

Amendment V., 30, 250, 288, 289,  
 290

Amendment VI., 31, 250, 286, 291

Amendment VII., 31, 250, 286

Amendment VIII., 31, 251, 292

Amendment IX., 31, 364, 369

Amendment X., 31, 364, 369

Amendment XI., 31, 251, 270

Amendment XII., 32, 165, 172,  
 173, 178, 179, 183

Amendment XIII., 33, 299, 324

Amendment XIV., 33, 94, 299,  
 324

§ 3,—33, 69, 94, 299

§ 4,—34, 300, 405, 416

§ 5,—34, 405

Amendment XV., 34, 300, 324

Constituents, 89

Consuls, 206, 208

Counterfeit, 105

Counting votes, 348, 350

Courts, 107

circuit, 265

claims, 225, 276

commissions, 277

district, 266, 274

martial, 288

state, 274, 380

Courts—*continued.*

supreme, 256,  
 territorial, 275

Criminals, 292, 316

Currency, 105, 220

## D

Debt, 221

Delegates, 137

Democracy, 40, 53

Democratic, 340

Departments, Interior, 232

Justice, 224

Navy, 228

Post Office, 226

State, 206

Treasury, 218

War, 214

Diplomatic corps, 189, 209

District Columbia, 396

District courts, 265, 274

Districts, congressional, 77

Division, 134

Documents, 155, 241

Domicile, 287

Doorkeeper, 120, 123, 149

Dred Scott, 318, 319

## E

Education, Bureau of, 237

Elections, 169, 182, 345, 358

electors, 171—173, 176—177, 183

Electoral Commission, 181

House of Rep's, 79, 119, 358

presidential, 171, 172, 179, 185

senators, 84

Emancipation, 323

Equality, 408, 411

Executive, 167, 168

clerk, 147

mansion, 200

sessions, 147

## F

Filibustering, 135

Flag, 152, 230

Floor, right to, 130, 131, 143

Foreign ministers, 189, 206, 208

Freedom, 41, 295

religious, 93, 303

speech, 97, 306

mails, 308

## G

Geneva award, 278

Geological survey, 237

Government duties, 39  
 importance, 37, 58  
 influences affecting form, 49, 50, 412  
 institutions, 57  
 law, 47  
 methods, 50, 412, 413  
 objections, 55  
 people, 46  
 representative, 52, 54  
 Governor, 317, 372

**H**

Habeas corpus, 110  
 Homestead law, 233  
 House of Rep's, 73, 74, 79  
 arrangements, etc., 117, 125  
 committees, 127  
 delegates, 389  
 elections to, 74, 86, 119  
 elects President, 180  
 impeachment, 194  
 organization, 119, 120, 126, 156  
 powers and methods, 127, 130-133, 157, 159  
 previous question, 132  
 public sessions, 123  
 qualifications, 80  
 rules, 130  
 term, 82  
 voting, 133  
 Hydrographic Office, 230

**I**

Impeachment by House of Rep's, 194  
 judges of, 259  
 methods, 195, 196  
 President, 193  
 Senate, trial by, 148, 194  
 Vice-President, 194  
 Inauguration, 196, 198  
 Indians, 238  
 Inspectors, 349  
 Interior Department, 232, 242

**J**

Journal, 137, 152  
 Judges appointed by President, 191  
 permanent, 260  
 Supreme Court, 257, 258  
 Judiciary, 252-255  
 Jurisdiction over Territories, 391  
 Supreme Court, 266  
 Jury, 280  
 limitations, 286  
 panel, 284  
 grand, 283, 288  
 Justice, Department of, 224

**L**  
 Land grants, 234, 272  
 public, 233, 392  
 surveys, 235  
 Laws, bankruptcy, 105  
 ex post facto, 112  
 passage of, 149, 151  
 signed, 150, 192  
 State, 378  
 State Department, 206, 213  
 synopsis of, 156  
 Legations, 207  
 Legislature, 373, 375  
 Library, National, 119  
 Librarian, House of Rep's, 120  
 Senate, 140  
 Lieutenant Governor, 373  
 Life-saving service, 222  
 Lighthouses, 222  
 Lobbying, 154

**M**

Mace, 122  
 Majority, 41, 42, 173, 252, 261, 342, 351, 407  
 popular, 174  
 Militia, 190, 310  
 Mining claims, 234  
 Money, 105  
 Money bills, 129, 159  
 Mormons, 390

**N**

Nation, 370, 372, 390, 392  
 Navy, 189  
 yards, 229  
 Department, 228-232  
 Naturalization, 105, 170, 327, 333

**O**

Oaths, foreigners', 327  
 House of Rep's, 127  
 ironclad, 95  
 modified, 96  
 President, 197, 198  
 Senate, 141  
 Speaker, 126  
 Vice-President, 197, 199  
 Observatory, 230  
 Offices, 191, 244

**P**

Pages, 155  
 Pardons, 190  
 Parties, 340

Passports, 210  
 Patents, 236  
 People, 40, 46, 51, 56, 169, 198, 409, 414,  
     416  
     elect President, 182  
     join with States, 176  
     source of power, 368  
 Pensions, 236  
 Petitions, 151, 309  
 Polls, 343  
 Postmaster, House of Rep's, 120  
     Senate, 140  
 Post Offices, 107  
 Post Office Department, 226  
 Powers, Congress, 109  
     denied to Congress, 110  
     States, 114  
     war, 108  
     divided, 386  
 President, 153, 187, 199, 202, 204, 211  
     appoints Officers, 191  
         ambassadors, 189  
         judges, 258  
     approves and vetoes bills, 149,  
         150, 159, 192  
     Cabinet, 185, 206  
     commander forces, 189, 190, 312  
     convenes Congress, 189  
     elected, 173  
     foreign relations, 189, 209, 211  
     impeachment, 193-195  
     message, 155, 188  
     pardons, 190  
     qualifications, 170, 177  
     residence, 200  
     resignation and vacancies, 185  
     room at Capitol, 153  
     salary, 199  
     term, 171, 193  
     title, 199  
 President of the Senate, 115  
     counts votes, 177  
 Presidential succession, 185  
 Presentment by grand jury, 288  
 Previous question, 132, 144  
 Printer, public, 155  
 Property rights, 290  
 Public admitted to House of Rep's,  
     123  
     to Senate, 148  
 Punishments, 292

**Q**

Quartering soldiers, 314  
 Quorum, 137, 138

**R**

Ratification treaties, 414  
 Reconstruction, 399  
 Record, 137, 155

Registering, 337  
 Religious tests, 93, 303  
 Repeating, 348  
 Representation, basis of, 75  
 Representative government, 54, 56,  
     411  
 Republic, 52, 54  
 Republicans, 310  
 Republican form guaranteed, 398  
 Returns, 181  
 Rights of people, 411  
 Rings, 353  
 Roll call, 134  
 Rules of House of Rep's, 130  
     Senate, 142

**S**

Salaries, cabinet, 243  
     congressmen, 97, 98, 122  
     judges, 264  
     President, 199, 223  
     President Senate, 145  
 Science and arts promoted, 107  
 Scratching, 346  
 Seal, 211  
 Secession, 384  
 Secretary Senate, 139, 141, 149  
 Senate considers appointments, 146,  
     191  
     election of Vice-President, 179  
     executive sessions, 147  
     impeachment, 148, 194  
     methods, 142, 144  
     nature and value of, 73, 82, 83,  
         84, 87, 416  
     officers and committees, 139, 140,  
         141, 145, 156  
     rooms, etc., 117, 153  
     treaties, 147, 189  
 Senators elected, 85-87  
     take oath, 141  
     qualifications, 88  
 Sergeant-at-arms, House of Rep's,  
     120-122  
     Senate, 140  
 Sessions, 90, 147, 152  
 Signal service, 216  
 Slavery, 317-324  
 Speaker, 124  
     election, 120, 126  
     duties, 134, 156, 158  
     room, 153  
     votes, 136  
 Special days for legislation, 132  
 Socialism, 55, 168  
 States, 376, 378, 416  
     elections, 172, 176, 179, 334, 343,  
         345  
     governments, 382-387  
     judiciary, 275, 378  
     new, 213, 395-397

States—*continued.*

powers, 114, 381  
 relations to nation, 48, 83, 270, 366, 370, 385, 389, 394, 415  
 rights, 380, 391, 397  
 State Department, 206, 214  
 State, Secretary of, 178, 185, 206  
 Statutes, 254  
 Stenographers, 125, 141, 155  
 Stopping supplies, 129  
 Succession to presidency, 146, 184  
 Supervisors, 348  
 Supreme Court, 253, 255, 262, 265  
 Attorney-General appears for  
   U. S., 224  
 checks, 258  
 jurisdiction, 266, 269, 273  
 officers, 265  
 power, 255

**T**

Taxes, 102-104  
 Tellers, 134  
 Territories, 388, 391-394  
 Term, House of Rep's, 82, 87  
   Senate, 87  
   President, 171  
 Test case, 270  
 Texas may be divided, 336  
 Titles, 112  
 Treason, 111, 292  
 Treasury Department, 218  
 Treaties, 147, 189, 207, 211, 269  
 Trial, single, 289  
   speedy, 291

**U**

Union, 45, 48, 383, 417  
 United States, extent of, 398  
   guarantees republican form, 398  
   officers, 274  
   land, 392  
   protect States, 400

**V**

Veto, 150, 192  
 Vice-President, 183  
   elected, 173, 178  
   desk, 141  
   inaugurated, 197-199  
   impeachment, 194  
   presides at impeachments, 196  
   resignation, 185, 186  
   room, 153  
   title, 184  
   vote, 144  
 Vicinage, 286, 291  
 Viva voce vote, 134  
 Vote, 324, 337, 342, 346, 351, 353, 357,  
   361, 407  
   conditions, 332  
   counting, 178, 348  
   customs, 337  
   delegates, 137  
   electors, 173, 177, 183  
   House of Rep's for Pres't, 179  
   House of Rep's methods, 133-135  
   President Senate, 145  
   restrictions, 336  
   Senate, 144  
   Speaker, 124, 136  
   Vice-President, 144  
   Vice-President by Senate, 179

**W**

Washington, 397  
 War Department, 214-218  
 War powers, 108, 115  
 Weather Bureau, 216  
 Weights and measures, 106  
 West Point, 217  
 Woman's Suffrage, 334

**Y**

Yellowstone Park, 392













